BOARD OF MANAGEMENT

Tuesday 29 September 2026 at 5.00pm in Room A-IS-103 Arbroath Campus (MS Teams option available)

AGENDA

16:30 - Arrival with Tea, Coffee, and Biscuits (Meeting to commence at 5:00pm)

1.	**WELCOME**			
2.	**APOLOGIES**			
3.	**DECLARATIONS OF INTEREST OR CONNECTION**			
4.	**MINUTE OF LAST MEETINGS,** 16 June 2026 & 26 August 2026		Paper A for approval	LO
5.	**MATTERS ARISING**		Paper B for approval	LO
6.	**STRATEGIC ITEMS**			
	6.1	Senior Executive recruitment and succession planning	Verbal update	SH
	6.2	National Activity Update	Verbal update	SH
	6.3	Infrastructure Update	Paper C for Information	SH
7.	**STUDENTS' ASSOCIATION REPORT**		Paper D for information	CP/CM
8.	**PRINCIPAL'S REPORT**		Paper E for information	SH
9.	**NATIONAL BARGAINING UPDATE**		Paper F noting only	ST
10.	**FINANCE ITEMS**			
	10.1	Financial Forecast Return (FFR)	Paper G for approval	ST
	10.2	Finance & Infrastructure Committee End of Year Forecast (for information only)	Paper H for noting only	-
11.	**GOVERNANCE ITEMS**			
	11.1	Board Development Day 22/09/2026	Verbal update	LO
	11.2	Membership Update	Paper I for approval	RW/LO
	11.3	Strategic Risk Register	Paper J for approval	ST
	11.4	Board Metrics	Paper K for noting	ST
	11.5	Model Code of Conduct	Paper L for noting	RW
	11.6	Scottish Charity Register	Paper M for noting	RW
12.	**MINUTES OF COMMITTEE MEETINGS**		Paper N for information	LO
	12.1	Learning, Teaching & Quality – 2 September 2026		
	12.2	People, Culture & Wellbeing – 3 Sept 2026		
	12.3	Finance & Infrastructure – 8 Sept 2026		
	12.4	Audit & Risk – 15 September 2026	Verbal update	
13.	**CORRESPONDENCE**		Paper O for information	LO

14. DATE OF NEXT MEETING Tuesday 15 December 2026 at 10.00am in Room K-TO-226, Kingsway Campus followed by Board Christmas Lunch

Dates to note:

Friday 30 October 2026 – 2.00pm Graduation, Caird Hall

Tuesday 8 December 2026 - 5.00pm, Board Development Workshop, Kingsway Campus

This meeting will be recorded, in line with the Recording Policy.

Agenda Item 4.0

BOARD OF MANAGEMENT

Tuesday 29 September 2026

MINUTE OF LAST MEETING — PAPER A

16th JUNE & 26th AUGUST 2026

BOARD OF MANAGEMENT

Held on Wednesday 26 August 2026 at 5.00pm
Room K-TO-226, Kingsway Campus and via Microsoft Teams

PRESENT:

Laurie O'Donnell (Chair)
Simon Hewitt (Principal)
Colin Smith
Brian Lawrie
Ged Bell
Colin Smith
Jenna Lawrence
Carri Cussick
Connor Pithie
Richard Gordon
Kirstin Marsh
Kelly McIntosh
Donald MacKenzie

IN ATTENDANCE:

Julie Grace (Vice Principal Curriculum and Partnerships)
Steve Taylor (Vice Principal Support Services and Operations)
Ian Simpson (Infrastructure Vision Project Director)
Rachel Wall (Board Secretary/Governance Professional)

1. WELCOME

The Chair welcomed members to the Special Meeting of the Board of Management and apologised for the short notice given to members. He noted that the meeting had originally been convened specifically to consider the final Gardyne Green Skills Innovation Hub Outline Business Case (the OBC) prior to its submission to the Scottish Funding Council (SFC). The Chair noted the amended agenda now included consideration of the College Infrastructure Strategy 2026-36 (the Strategy).

Brian Lawrie raised concerns regarding the timing of the Strategy paper and again noted that the original notice of meeting had referred only to consideration of the OBC. Whilst supportive of the content, he highlighted that members had not previously had the opportunity to properly review the Strategy as a standalone document and sought assurance regarding the governance process surrounding its approval. He argued that a 10-year strategy, for what is likely to be the most significant work the College will undertake over this period, required proper scrutiny and a formal Board approval process. He proposed that the Board only considers the OBC at this meeting.

Ged Bell agreed with Brian Lawrie that the Board should not approve the Infrastructure Strategy at such short notice. He commended the content of the document and noted that it pulled together much of what had previously been presented to Board as project updates but had never been formally presented as a strategy for approval. He thought that Board might benefit from a discussion of the Strategy at this meeting, but that approval should be deferred to a future Board meeting which would follow the normal timescales and processes.

The Chair noted Brian Lawrie's concern and welcomed Ged's helpful suggestion as a way forward. Board agreed to discuss the Strategy but not to formally approve it and to focus on approving the OBC in order to meet SFC timescales.

2. APOLOGIES

Apologies were received from Brian Mooney, Neil Lowden, Steve Oakley and Robert Young.

3. DECLARATIONS OF INTEREST OR CONNECTION

Helen Honeyman declared an interest in relation to Thorntons LLP, noting her role as Chief People Officer. The Board noted the declaration and agreed that it did not preclude participation in the discussions.

No other declarations of interest or connection were made.

4. INFRASTRUCTURE STRATEGY

Steve Taylor introduced the draft Infrastructure Strategy (the "Strategy"), explaining that the Strategy document had been developed in response to updated Scottish Funding Council (SFC) requirements and brought together infrastructure developments, estate priorities and strategic direction that had previously been considered by the Board. He advised that the Strategy was intended to accompany the Outline Business Case (OBC) submission and provide the strategic context for the proposed investment.

In response to Brian Lawrie's concerns, Steve Taylor noted that the Strategy consolidated a range of infrastructure developments, estate priorities and strategic considerations that had been discussed and approved by the Board over a number of years. The Strategy document provided the overarching strategic framework supporting the Gardyne Green Skills Innovation Hub project and was a key supporting document for the OBC submission. He also noted that an approved Infrastructure Strategy was expected as part of the SFC process and that any delay in approving the document could have implications for the overall project timetable.

During discussion, members welcomed the Strategy and the clear articulation of the College's long-term vision for its estate and infrastructure. Kelly McIntosh suggested that greater emphasis could be placed on the educational benefits for learners and the benefits for staff arising from the proposed developments. Members also considered that stronger wording be included in relation to the future review and consideration of sites and estate assets that may become surplus to requirements following relocation activities associated with the project. Laurie O'Donnell noted that Board had agreed governance arrangements relating to Gardyne but had not agreed arrangement for any future phases in Dundee city centre or Arbroath town centre. These arrangements would be subject to further Board discussion and approval.

Board accepted that an amended draft version of the Strategy should be submitted to SFC to ensure that approval of funding for Gardyne GSIH was not delayed. Formal Board approval of an amended Strategy would also be progressed at a future date.

ACTION: Amend the Strategy to strengthen reference to the future review and consideration of sites and estate assets that may become surplus to requirements following relocation activities associated with the project.

ACTION: Amend the Strategy to strengthen reference to educational benefits to students and staff.

ACTION: Amend to recognise that governance for future phases require further Board approval.

The importance of reviewing and approving appropriate governance arrangements for future phases of the project was highlighted, and members recommended that an agreed review cycle be incorporated within the Strategy to ensure it remained current and relevant. Overall, members welcomed the consolidation of previous Board discussions and decisions into a single strategic document, providing a coherent framework for the College's future infrastructure planning.

ACTION: Incorporate an agreed review cycle within the Strategy to support ongoing review and updating.

Recognising the importance of maintaining project momentum whilst ensuring appropriate governance oversight, members agreed that any further comments arising from detailed review of the document would be considered by the Chair and the Chair of the Finance & Infrastructure Committee prior to final approval.

ACTION: Chair and Chair of the Finance & Infrastructure Committee to consider any further comments arising from detailed review and approve a version of the Strategy.

4.1 Decision

The Board:

4.1.1 noted the Infrastructure Strategy, without formally approving it; and

4.1.2 authorised submission to SFC of an amended version of the Strategy in support of the OBC. Final amendments to be agreed by the Chair and the Chair of the Finance & Infrastructure Committee following detailed review; and

4.1.3 agreed to consider the Strategy properly with a view to formally approving it at a future Board meeting

4 GARDYNE GREEN SKILLS INNOVATION HUB OUTLINE BUSINESS CASE

Ian Simpson introduced the final OBC and provided an overview of the proposed development, including the design evolution, governance arrangements, procurement strategy, financial considerations, risk management arrangements and proposed next steps.

4.1 Design Development

The Board received a presentation outlining the development of the preferred proposal and the work undertaken to refine the design.

Members noted that the preferred location remained the West Car Park at the Gardyne Campus and that the proposed development had been designed to strengthen physical links between the new facility and the existing campus.

It was highlighted that curriculum teams had been closely involved throughout the design process to ensure that the building would meet current and future learning and teaching requirements. Members heard that workshop and teaching spaces had been designed with flexibility in mind to accommodate evolving curriculum needs and changing industry demands. The proposals also sought to enhance accessibility, inclusion and the overall student experience, while lessons learned from comparable projects had informed the design approach and helped shape the developing plans.

The Board discussed the need to balance design quality, affordability and long-term functionality. Following consideration of the options presented, members were satisfied that an appropriate balance had been achieved and that the proposed design provided a strong foundation for future development.

4.2 Governance and Resources

The Board reviewed the governance arrangements for the project, noting that these reflected arrangements previously approved by the Board.

Discussion considered the role of the Senior Responsible Owner, noting that it was unusual for this role to be taken by the chief executive. Colin Smith noted that this was sometimes the case for small organisation such as his current employer The James Hutton Institute.

The importance of obtaining independent professional advice throughout both the programme and project lifecycle was noted and welcomed.

Donald MacKenzie asked whether consideration had been given to the impact of involving curriculum and professional services staff in project development as the project progressed. Julie Grace and Steve Taylor reassured Board members that particular attention was being given to ensure sufficient organisational capacity would be in place to support the project, including arrangements for backfilling posts and providing additional support where required. Members were reassured that detailed resource planning would continue alongside project development and that associated costs and funding requirements would be reflected within future project budgets.

4.3 Strategic Fit and Risk Management

The Board noted that the project directly supported the objectives set out within the draft College Infrastructure Strategy and aligned with the College's wider strategic priorities.

Members discussed the business continuity risks associated with the existing RAAC-affected buildings and received assurance regarding current inspection, monitoring and maintenance arrangements. The discussion also considered Scottish Government expectations in relation to RAAC remediation, project and construction risk management processes and the development of longer-term operational risk arrangements for the completed facility.

Having considered the assurance provided, the Board was satisfied that appropriate risk management processes were in place and that identified risks were being actively managed.

4.4 Procurement Strategy

Ian Simpson outlined the procurement routes that had been assessed as part of the OBC process, including Open Market Procurement, the Government Commercial Agency Framework and the SCAPE Framework. Laurie O'Donnell noted Brian Lawrie's involvement in this assessment and welcomed this approach to making best use of Board expertise.

Members considered the relative merits of each approach, including value for money, transparency, governance controls, market appetite and levels of competition. Discussion also focused on the importance of continuity between project phases and the benefits of early contractor involvement in supporting design development and project delivery.

It was noted that the SCAPE Framework currently represented the preferred procurement route; however, members also noted that procurement options would be reviewed further as part of the Full Business Case process. The Board agreed that maintaining flexibility would be important to ensure the College remained able to respond to future market developments and any changes to available procurement frameworks.

4.5 Stakeholder Engagement and Benefits Realisation

The Board noted the extensive programme of stakeholder engagement that had been undertaken throughout project development and the plans in place for continued consultation and involvement as the project progressed.

Members heard that engagement had taken place with learners, staff, employers and a range of external stakeholders, helping to inform the development of the proposals. The discussion highlighted the anticipated benefits for students, staff, employers and local communities and considered plans for the development of a formal Benefits Realisation Framework. Members also discussed the arrangements that would be required to monitor and evaluate benefits following project completion and noted the alignment of the project with the College's sustainability and net-zero objectives.

The Board welcomed the strong emphasis placed on educational outcomes and the focus on delivering long-term benefits for the College and its stakeholders.

4.6 Financial Case

The Board noted that work on the detailed Financial Case remained ongoing and was expected to conclude shortly.

Members considered the proposed capital funding request, the financial assumptions underpinning the OBC and the arrangements proposed for delegated approval. It was noted that the final financial documentation would be provided to the Chair of the Board and the Chair of the Finance & Infrastructure Committee for review prior to submission.

ACTION: Submit final Financial Case documentation and supporting assumptions to the Chair and Chair of the Finance & Infrastructure Committee for review prior to submission to SFC.

Having considered the proposed approach, members were satisfied that appropriate governance and oversight arrangements were in place while ensuring project timescales could be maintained.

4.7 Board Feedback

Members welcomed the quality and comprehensiveness of the OBC and commended the significant work undertaken by officers, professional advisers and project partners in preparing the submission against pressures of time over the summer period.

The Board expressed strong support for the student-centred nature of the proposal and recognised the substantial volume of work that had been undertaken, particularly over the summer period, to reach this stage of development. Members also welcomed the quality of stakeholder engagement undertaken throughout the process and expressed appreciation for the professional and comprehensive nature of the submission presented to the Board.

4.8 Decision

Following detailed consideration of the OBC and supporting documentation, the Board **RESOLVED**:

4.8.1 to approve the Gardyne Green Skills Innovation Hub Outline Business Case for submission to the Scottish Funding Council;
4.8.2 to approve the associated capital funding request;
4.8.3 to authorise the Chair and Principal to approve any final drafting, typographical, financial or other non-material amendments required prior to submission;
4.8.4 to note that the final Financial Case and underlying assumptions would be reviewed by the Chair of the Board and the Chair of the Finance & Infrastructure Committee under delegated authority prior to submission; and
4.8.5 to note that future governance arrangements would continue in accordance with the Infrastructure Governance Framework and the Scheme of Delegation.

The Board recorded its thanks and appreciation to all staff, advisers and project partners involved in the preparation and development of the submission.

6. ANY OTHER BUSINESS

There was no other business.

7. DATE OF NEXT MEETING

Tuesday 29 September 2026 at 5.00pm.

ACTION LOG

Ref	Action	Responsibility	Date
4.0.1	Amend the Strategy to strengthen reference to the future review and consideration of sites and estate assets that may become surplus to requirements following relocation activities associated with the project.	Steve Taylor	
4.0.2	Incorporate an agreed review cycle within the Strategy to ensure it remains current and relevant.	Steve Taylor	
4.0.3	Amend to recognise that governance for future phases require further Board approval.	Steve Taylor	
4.0.4	Consider any further comments arising from detailed review and approve the final version of the Strategy.	Chair of the Board and Chair of the Finance & Infrastructure Committee	
4.0.5	Submit final Financial Case documentation and supporting assumptions for review prior to submission to the Scottish Funding Council.	Ian Simpson	

DECISION LOG

Decision Ref	Decision
4.1.1	The Board noted the Infrastructure Strategy without formally approving it.
4.1.2	The Board authorised submission of this version of the Strategy in support of the OBC, subject to any final amendments agreed by the Chair and the Chair of the Finance & Infrastructure Committee following detailed review.
4.8.1	The Board approved the Gardyne Green Skills Innovation Hub Outline Business Case for submission to the Scottish Funding Council.
4.8.2	The Board approved the associated capital funding request.
4.8.3	The Board authorised the Chair and Principal to approve any final drafting, typographical, financial or other non-material amendments required prior to submission.
4.8.4	The Board noted that the final Financial Case and underlying assumptions would be reviewed by the Chair of the Board and the Chair of the Finance & Infrastructure Committee under delegated authority prior to submission.
4.8.5	The Board noted that future governance arrangements would continue in accordance with the Infrastructure Governance Framework and the Scheme of Delegation.

BOARD OF MANAGEMENT

Tuesday 16th June at 5pm
Room K-TO-226, Kingsway Campus and Hybrid on Teams

Draft confirmed by Chair.

PRESENT:	Laurie O'Donnell (Chair)	Robert Young
	Jenna Lawrence	Simon Hewitt
	Brian Lawrie	Carri Cusick
	Ged Bell	Connor Pithie
	Colin Smith	Kirstin Marsh
	Brian Mooney	Donald MacKenzie
	Ronnie Donegan	

IN ATTENDANCE: Julie Grace (Vice Principal Curriculum and Partnerships)
Steve Taylor (Vice Principal Support Services and Operations)
Nicky Anderson (Director of Finance)
Rachel Wall (Governance Professional)
Ian Simpson (Project Director)

1. WELCOME

L O'Donnell welcomed Board members to the meeting and extended a warm welcome to Rachel Wall for her first full Board meeting.

2. APOLOGIES

Apologies were received from Helen Honeyman, Richard Gordon, Kelly McIntosh, Neil Lowden and Adele Lawrence

3. DECLARATIONS OF INTEREST OR CONNECTION

There were no declarations of interest or connection.

4. APPOINTMENT OF GOVERNANCE PROFESSIONAL

The appointment of Rachel Wall to the role of Governance Professional for the Board was confirmed.

5. MINUTE OF LAST MEETING – 17th March 2026

The minute of the Board of Management meeting held on 17 March 2026 was approved as an accurate record.

6. MATTERS ARISING

S Taylor confirmed that two matters arising had been closed with a further two on the agenda. The action in respect of page numbering on the PDF combined papers would be looked at over the summer.

7. NATIONAL ACTIVITY UPDATE

L O'Donnell provided a verbal update and noted the outcome of the Scottish election with the positive inclusion of the D&A Infrastructure project as a manifesto commitment for the new SNP administration.

The reappointment of Ben Macpherson as the Minister for the college sector was welcomed and the revised portfolio covering tertiary education along with innovation and technology was and interesting development.

The recent news of further job losses at Dundee University was discussed, with the potential for this to impact the economy of the whole region.

The College Sector of the Future work being progressed by the Scottish Funding Council, Scottish Government and Colleges Scotland was highlighted, with outcomes and future plans anticipated by the end of the calendar year. Similar work within the University sector was also noted.

S Hewitt highlighted developments progressing in respect of regional skills planning, although there remained a lot of unknowns. It was confirmed that the region for D&A was based around the Tay Cities Deal area. S Hewitt also noted that discussions were ongoing in terms of what the tertiary sector covered as it was felt that this was wider than just colleges and universities.

The update was welcomed by the Board.

8. INFRASTRUCTURE VISION UPDATE

I Simpson introduced himself to the board and summarised the update report on progress being made in respect of the Gardyne Green Skills and innovation Hub (GSIH) outline business case.

This included appointment of main contractors and other specialists as summarised in the report and progress in respect of excellent engagement with specialist staff within the trades areas of the College.

I Simpson stated that the assumption is that the GSIH would be developed under a capital model via the Scottish Funding Council, with future programme developments taken forward through the Mutual Investment Model (MIM).

Input and learning from other recent sector developments was noted, with further engagement and visits planned to ensure that the College picked up on aspects of learning and best practice. I Simpson outlined the desire for the OBC to be completed and approved by the Board by late August 2026 so that it could be considered by the SFC Infrastructure Committee in September but noted that dates and timelines remained unclear from the SFC and Government side.

S Hewitt outlined progress being made on the overall programme, with engagement arrangements in place with the Minister and the new local MSPs. Proposals for a meeting around the Welsh government approach to MIM were noted.

B Lawrie welcomed the update and highlighted that there had also been a detailed discussion on arrangements and progress at the Finance & Infrastructure meeting.

R Young confirmed that a lot of detail had been discussed at the Finance & Infrastructure meeting and that it was important to record that the contract agreed with McLaughlin and Harvey was only through to completion of the OBC stage and that this was recognised as good practice for any large project.

R Young stated that he welcomed the plans to develop a sub group to support governance of the project as it developed.

8.1 Infrastructure Programme Governance

S Taylor summarised the governance structure proposed for oversight of the Gardyne development, with this covering the key aspects in terms of standing orders and delegated authority discussed at the March Board Development session. It was noted that the arrangements proposed were based on similar governance structures adopted to oversee major developments at Fife College and Forth Valley College in recent years. S Taylor advised that the proposal had also been shared with the Scottish Funding Council who were content with the proposed approach.

S Taylor highlighted the SFC decision making flowchart on page 2 of the proposal and noted that the College was currently between points 4 and 5 of 20 on this flowchart. Based on the experience of others, the recommended point for the Campus Executive Board to become involved would be following SFC approval of the OBC and once funding to progress to full business case stage had been allocated. It was noted that the timeline for this was unknown, but that time would be needed to recruit and appoint individuals to the Campus board.

R Young noted that the wording in terms of the delegated financial authority limits (bullets 2, 3 and 4 under section 3.3 appeared to be contradictory) and asked about decision making responsibilities. I Simpson confirmed that these should be a cumulative value rather than individual and S Taylor noted that the wording would be revised. **S Taylor to progress.**

I Simpson advised that a decision making log was being developed to record key decisions and support retention of decision making and authorisation around these.

G Bell asked about the likely timeline for the Campus Executive Board to be enacted. S Taylor stated that this was difficult to assess as it would be dependent upon decisions and timelines set by SFC and the Scottish Government. S Taylor noted that the earliest anticipated timing would be between September 2026 and April 2027, but that it could equally be 2028.

C Cusick queried whether the Campus Executive Board should be named only for the GSIH development. K Marsh asked what the roles and responsibilities of the different Campus Executive Board members would be and also asked if the Board would only have responsibility for the GSIH. I Simpson noted that the individual roles on the Campus Executive Board would depend on the skills mix and the different areas of specialism. It was noted that these responsibilities were linked to the areas of delegated responsibility and that there would be a constant feedback loop to the College Board.

R Young stated that it would be important for the Campus Executive Board to have insight into what was coming next whilst overseeing the GSIH development as some aspects were likely to impact on future stages of the wider infrastructure project.

L O'Donnell noted concern that the proposed governance didn't incorporate the revised employability operating model as part of the overall infrastructure programme and noted that this may be required before the governance arrangements could be approved.

S Hewitt stated that he felt that, whilst important, the employability operating model and proposals were separate from the Campus Executive Board roles or responsibilities. I Simpson stated that oversight of the whole Infrastructure vision and operating model would remain with the College Board.

R Donegan asked about arrangements to recruit to the Campus executive Board and it was confirmed that this would be the responsibility of the Nominations Committee.

C Smith asked if there were risks in delaying the approval of the governance structures and S Taylor advised that this would be dependent upon the timeline for approval of the OBC, but that time would be needed to recruit and establish the Board.

Following further discussion the governance arrangements were approved subject to amendment to the delegated financial values and with incorporation of an expanded introductory summary establishing the context in respect of the GSIH project within the wider infrastructure programme and vision. **S Taylor to progress.**

Timelines and arrangements for the identification, recruitment and appointment to the Campus Executive Board would be developed and implemented in line with the appropriate timescale. **R Wall to progress.**

9. FINANCE & INFRASTRUCTURE ITEMS

9.1 Financial Sustainability

S Hewitt provided a verbal update summarising the c£2.5m savings achieved and the improved out-turn forecast for 2025/26, with this discussed in detail at the Finance & Infrastructure meeting.

S Hewitt noted that a close to breakeven budget had been progressed for 2026/27 with recognition that there were also some further significant funding allocations to be confirmed through SFC, although it was recognised that funding would remain tight for the foreseeable future.

L O'Donnell thanked S Hewitt for his update and noted that he wanted to thank everyone involved in progressing the savings plan arrangements and funding campaign. S Oakley welcomed this and noted that thanks were also due to the board for their support through the arrangements.

9.2 2026/27 Budget and 2027/28 & 2028/29 Indicative Budgets

N Anderson summarised the 2026/27 budget noting that this had been recommended for approval by the Finance & Infrastructure Committee. N Anderson noted the small deficit forecast for 2026/27, but that continued flat cash funding would result in this increasing again in future years. This would continue to be monitored alongside the assumptions incorporated into the budget report.

B Lawrie welcomed the budget document and confirmed that this had been discussed in detail at the Finance & Infrastructure meeting and that he didn't have any of the reservations he had identified the previous year in respect of the budget or its impact on financial sustainability. B Lawrie noted that this reflected the value of the Financial Strategy and clearly documented assumptions. The benefit of repayment of the Gardyne loan was noted for future years.

J Grace stated that there had been a further update on the likely Child Poverty funds available to the sector since the papers had been issued. It was confirmed that c£21 million of funds would be made available, with a baseline of funds likely to be allocated to Colleges over a 5 year period.

L O'Donnell noted the improvement in the budget process in recent years.

The 2026/27 budget was approved.

9.3 Financial Forecast Return (FFR)

N Anderson stated that the information request for the FFR had recently been received from SFC, with a return date of 30 June 2026. As this required Board approval it was requested that approval to submit be provided through the Principal, Board Chair and Chair of the Finance & Infrastructure Committee, with the final version being brought to the September meeting. This was agreed. **N Anderson to progress.**

9.4 Finance and Infrastructure Committee Management Accounts

The Financial Accounts were for information only and were noted by the Board.

10. STRATEGIC PROJECTS UPDATE

J Grace presented the Strategic Projects Update for noting and highlighted the positive work being progressed with Montrose Ports. The report was noted.

11. STUDENTS' ASSOCIATION REPORT

C Pithie noted the detailed Student's Association update provided and highlighted the new DASA team in place for 2026/27. C Pithie stated that the team were aiming to move away from the campus designation for Vice Presidents, but that this was balanced with their role on each campus.

R Donegan welcomed the increase in student nominations for the staff awards and C Pithie outlined how this increase had been achieved through better promotion and engagement with students.

12. PRINCIPAL'S REPORT

S Hewitt stated that the report was for noting. The positive representation and promotion of the College across the region was especially commented upon, particularly in contrast with the situation at Dundee University.

13. NATIONAL BARGAINING UPDATE

S Taylor summarised the paper noting that a new national procedure agreement is now in place, supported by a new website. He advised that negotiations on academic staff salaries seemed to be progressing well, with the hope of achieving a three year pay deal.

D Smith stated that it was anticipated that an offer would be put to union members in the coming few days.

The update was welcomed.

14. GOVERNANCE ITEMS

14.1 Board Development Arrangements

L O'Donnell confirmed that the proposed Board Development session arrangements would be progressed over the summer to create a programme for 2026/27. **L O'Donnell and R Wall to progress.**

R Donegan highlighted the value of the recent College Development Network session for Board members and it was noted that CDN was a useful source of Board training.

14.2 Board Self-Evaluation and Development Plan

S Taylor summarised the paper and proposed approach to support the Board self-evaluation in the period through to the September meeting. It was confirmed that this would encompass the drafting of the evaluation with each Chair, with these drafts discussed and agreed at the relevant Committee and then the board meeting.

S Taylor also noted the Board Development Plan update and recommended that the outcomes from the self-evaluation inform the Development session programme going forward.

The self-evaluation plan arrangements were approved. **R Wall to progress.**

14.3 Membership Update

The Board noted the nomination of Chaesel Melia as Student Board Member for 2026/27. The extension of appointment as Board Chair was discussed and it was agreed that arrangements for confirmation of an interim Chair would be progressed via e-mail over the summer should reappointment of L O'Donnell not be confirmed. **R Wall to progress.**

L O'Donnell noted that the terms of office for Helen Honeyman and Neil Lowden would come to an end in December 2026 and that neither were likely to reapply. Recruitment arrangements for these vacancies would be progressed by the Nominations Committee after the summer. **R Wall to progress.**

14.4 Board Metrics

S Taylor noted the usual range of Board metrics, which set out figures aligned to strategic measures and assumptions. The metrics were noted.

15. MINUTES OF COMMITTEE MEETINGS

The minutes presented were approved and D MacKenzie noted a positive discussion around the impacts of artificial intelligence on organisations and services. It was noted that this may make a good Board Development discussion point in the future.

J Grace noted a positive discussion around the Elevate Learning and Teaching project at the Learning, Teaching and Quality Committee.

16. CORRESPONDENCE

The list of recent correspondence was noted.

17. AOCB

L O'Donnell asked that the thanks of the Board be passed on to Adele Lawrence for her input over the past 2 years and thanked S Taylor for his input and guidance to the Board since merger.

These thanks were echoed by Board members.

18. DATE OF NEXT MEETING

Tuesday 29 September 2026 at 5.00pm, Arbroath Campus, room tbc.

Action Point Summary		
Action	**Responsibility**	**Date**
Update Infrastructure Governance wording to clarify delegated financial limits and expand the context	S Taylor	30 June 2026
Infrastructure Governance Arrangements to be timelined and enacted	R Wall	29 September 2026
FFR to be progressed for approval	N Anderson	30 June 2026
2026/27 Board Development Programme to be created	L O'Donnell, R Wall	22 September 2026
Board Self-Evaluation Reporting to be progressed	R Wall	29 September 2026
Interim Chair arrangements to be progressed as necessary	R Wall	10 July 2026
Board recruitment to be progressed	R Wall	15 December 2026

Agenda Item 5.0

BOARD OF MANAGEMENT

Tuesday 29 September 2026

MATTERS ARISING

PAPER B

BOARD OF MANAGEMENT

Tuesday 29 September 2026

Matters Arising

Paper B for information

The following actions were noted from Tuesday 16 June 2026 Board of Management Meeting:

Agenda Item No	Action	Current Status	Open/Closed
	Infrastructure Programme Governance arrangements to be finalised L O'Donnell / S Hewitt	On agenda	Open
	Board Self-Evaluation reporting to be progressed R Wall	In progress	Open
	Board recruitment arrangements for upcoming vacancies to be progressed R Wall	Membership update scheduled	Open
	Board Development Actions to be reviewed & progressed L O'Donnell	On agenda	Closed
	Infrastructure Governance wording and contextual amendments S Taylor	Reflected in Infrastructure paper	Closed
	Infrastructure Governance arrangements to be timeline and enacted R Wall	Addressed through Infrastructure update	Closed
	Financial Forecast Return (FFR) approval process to be progressed N Anderson	On agenda for approval	Closed
	Interim Chair arrangements to be progressed as required R Wall	No longer required	Closed

The following actions were noted from Tuesday 30 September 2025 Board of Management Meeting:

Agenda Item No	Action	Current Status	Open/Closed

5.0	To review and (if possible) add page numbers to the packaged papers. R Wall	Reviewed, but complex within Adobe. Will further review other options.	Open

Author: Rachel Wall, Board Secretary
Executive Sponsor: Steve Taylor, Vice Principal Support Services and Operations

Agenda Item 6.3

BOARD OF MANAGEMENT

Tuesday 29 September 2026

INFRASTRUCTURE UPDATE

PAPER C

Board of Management
Finance & Infrastructure Committee

Tuesday 8 September 2026

New Campus Developments Project Update

Paper for information

1. Project and Outline Business Case (OBC) Submission

As discussed in detail at the Special Board meeting on 26 August 2026, development of the Gardyne Green Skills Innovation Hub (GSIH) Outline Business Case (OBC) has been the key priority over the summer months and since the last meeting of the Committee.

The Board of Management has approved submission of the OBC to the Scottish Funding Council (SFC), with final approval delegated to the Board Chair and the Chair of the Finance and Infrastructure Committee, subject to completion of the remaining elements of the submission, primarily the Financial Case.

SFC officers have confirmed their intention to present the GSIH OBC to the SFC Capital Investment Committee (CIC) at its meeting on 30 September 2026.

Subject to a positive recommendation from the CIC, it is anticipated that the OBC will subsequently be considered by the full SFC Council (hopefully) before the end of the calendar year.

SFC approval of the OBC would enable funding to be allocated for development of the Full Business Case (FBC).

The next formal decision point within the SFC infrastructure approvals framework is expected at the conclusion of RIBA Stage 4 design development and prior to the appointment of a contractor for the works.

2. Infrastructure Strategy Implementation

With the submission of the GSIH OBC complete, further attention is now being focused on progressing the next phase of the wider Infrastructure Strategy and the development of proposals for the Dundee City Centre and Arbroath campus developments.

While discussions with the Scottish Government regarding the route to future funding remains at a developmental stage, encouraging indications have been received that both projects are expected to form part of the Government's future infrastructure investment pipeline.

In addition to influencing work around the adoption of an ‘off balance sheet’ funding model, activity is being focused on securing the funding necessary to support the early development stages of both projects. Discussions are ongoing with both SFC and the Scottish Government around this, with the aim of detailing the specific request for the funding required to undertake the enabling work to progress through the Strategic Case and Outline Business Case phases for both Arbroath and Dundee campus sites.

3. Target Operating Model

Intrinsically linked with the next stages of infrastructure development, work and discussions are also progressing in respect of the proposed new target operating model for employability. To support this, the College has submitted a bid to SFC for Public Sector Reform Funding.

4. Future Timelines

All of these steps outlined above are important in bringing the vision to fruition. At present, no formal timetable has been provided by the Scottish Government for funding decisions relating to either of the proposed new campus developments. Discussions and engagement are ongoing and further updates will be provided as information becomes known.

5. Link to Strategic Risk Register

Consideration of the topics included in this report will support the mitigation of a range of risks identified within the Strategic Risk Register namely;

1.3	Difficulties or over commitment arising within large scale/national College led initiatives or projects
2.6	Demands of capital developments / maintenance impacts on financial sustainability or delivery of learning and/or services
4.5	Lack of investment in ageing / beyond serviceable life infrastructure (inc RAAC, Asbestos and M&E failure concerns) impacts on financial sustainability and/or delivery of learning and/or services

Author: Ian Simpson, Infrastructure Vision Project Director
Executive Sponsor: Simon Hewitt, Principal

Agenda Item 7.0

BOARD OF MANAGEMENT

Tuesday 29 September 2026

STUDENT'S ASSOCIATION REPORT PAPER D

DASA UPDATE

Students' Association
Dundee and Angus College

September 2026

Student Voice: A New Way of Working

The student representation system has been refreshed to create a simpler, more inclusive and impactful approach to the student voice across the College. The new model removes barriers to participation, strengthens partnership working, and ensures student feedback can directly contribute to quality enhancement.

Key Activity

- Replaced the previous multi-layer Class and Department Representative structure with Student Reps for each course, all feeding into a Student Rep Council (SRC).
- Introduced later elections, taking place after the October break, allowing students time to settle into College life and build relationships before choosing their representative.
- Reframed the approach from Student Representation to Student Voice, recognising that every student has a voice and creating more accessible opportunities to participate.
- Embedded Service Design methodology to support staff and students to work collaboratively to identify opportunities, develop solutions and enhance the student experience.
- Developed a clearer feedback loop to ensure student voice is captured, monitored and acted upon through College quality and enhancement processes.

Student Voice: A New Way of Working

Intended Impact

- Remove confusion and overlap between previous representative roles, creating a clearer and more accessible route for student voice.

- Strengthen partnership working between students, staff and DASA across quality enhancement and decision making.

- Enable student voice and feedback to contribute directly to TQEF activity, including ILQR sessions and full reviews.

- Create a more meaningful feedback loop, ensuring students can see how their voice contributes to change and enhancement across the College.

- Establish a sustainable approach to student voice that focuses on partnership, collaboration and continuous improvement.

DASA SharePoint Refresh

The DASA SharePoint has been fully refreshed to create a clearer, more accessible and engaging central source of information for students and staff. The refresh responds to student feedback and DASA's own evaluation of the previous site, which had become outdated and difficult to navigate.

Key Activity

- Completed a full review and refresh of the DASA SharePoint, including content, structure, resources, links and visual presentation.
- Removed conflicting and outdated information, including references and links to previous student representation systems.
- Simplified and reorganised information to make key resources and updates easier to find and understand.
- Improved the visual presentation and accessibility of the site to create a more welcoming and engaging experience.
- Established the SharePoint as the main source of information, news and shared resources for DASA, with further updates planned throughout the year.

DASA SharePoint Refresh

Impact

- Provides students and staff with a clearer and more reliable source of DASA information.

- Makes information easier to navigate, access and understand, reducing barriers created by lengthy or complex content.

- Creates a more professional and engaging digital presence for DASA.

- Provides a flexible platform that can continue to develop alongside the new Student Voice system and wider DASA activity.

Gardyne Thrive Shop!

The Gardyne Thrive Shop has been refreshed to create a more welcoming, accessible and engaging space for students to access free resources and support. The redesign responds to the previous tired and outdated environment and has been shaped through conversations with students and staff.

Key Activity

- Refreshed the space with new paint, colourful design elements, furniture, signage and improved displays.
- Incorporated student feedback and ideas into the new look and feel of the space.
- Created a more welcoming shopping-style environment for students accessing free clothing, household items, food, books, toiletries and other essential resources.
- Developed opportunities for Supported Education students to use the space to put enterprise and customer service learning into practice.
- Beginning to explore opportunities with the Art Department to develop the shop's external signage.
- Established the Gardyne refresh as the first of three planned shop upgrades, supporting a consistent DASA Thrive identity across campuses.

Gardyne Thrive Shop!

Impact

- Creates a more welcoming and approachable environment, helping to reduce barriers for students accessing free resources and support.

- Positive staff feedback suggests the refreshed space feels more like a genuine shopping experience, supporting dignity and choice for students.

- Creates opportunities for students to develop practical enterprise and customer service skills within a real-world environment.

- Provides a strong foundation for the wider development of DASA Thrive spaces across all campuses.

- Usage and student feedback will continue to be monitored as students return and the refreshed space becomes established.

Updated Social Spaces

DASA student spaces across all three campuses have been refreshed in response to Learner Survey feedback, with a focus on creating welcoming environments where students can relax, socialise and engage with DASA between classes.

Key Activity

- Introduced new activities and resources for break and lunchtime engagement, including pool tables, giant games and digital equipment.
- Added new fridges and freezer capacity across campuses to expand DASA's food larder provision beyond cupboard-based items.
- Created more opportunities for students to relax, have fun and spend time with friends between classes.
- Designed spaces to encourage greater interaction between students and the DASA team.
- Continued to develop student spaces based on student feedback, with further improvements planned throughout the year.

Updated Social Spaces

Impact

- Responds directly to Learner Survey feedback calling for more activities and welcoming spaces for students during breaks and lunchtimes.

- Supports student belonging by creating spaces where students can relax, socialise and build relationships with others.

- Expands the range of food and essential items available through the DASA food larder, including fresh and chilled donations.

- Creates more informal opportunities for students to engage with DASA and access support.

- Provides a foundation for continued improvement of student spaces across all three campuses, informed by ongoing student feedback.

Inductions & Class Visits

DASA has refreshed its induction approach for the new academic year, creating a new experience for both new and returning students. The approach brings DASA directly into classrooms across all three campuses, making engagement easier to deliver at scale and reducing the logistical challenges of arranging rooms at the start of semester.

Key Activity

- Refreshed induction materials and interactive activities to provide returning students with a different experience from previous years.
- Updated information to introduce the new DASA team and highlight opportunities to get involved.
- Moved from bringing classes into DASA spaces to DASA team members visiting students in their own classrooms.
- Delivered interactive sessions focused on student voice, Student Reps and how student feedback contributes to change across the College.
- Increased the number of sessions that can be delivered by removing the need for additional room bookings across campuses.
- Introduced the new approach across all three campuses, with the model being trialled and evaluated throughout the academic year.

Inductions & Class Visits

Intended Impact

- Provide students with a fresh and engaging introduction to DASA and the opportunities available to them.

- Create more opportunities to reach students directly, increasing the number of classes and students DASA can engage with.

- Make induction more accessible by bringing DASA directly to students rather than requiring classes to move to separate spaces.

- Reduce significant room booking pressures during an already busy period at the start of semester.

- Establish an interactive introduction to student voice and partnership, helping students understand how their feedback can influence the College experience.

Inductions & Class Visits

Impact so far:

- **39 sessions completed to date**
- **Engaged more than 730 students**
- **On track to complete 60 sessions this term**

- **Student feedback:**

- **Staff feedback:**

Freshers!!!

This year, we're bringing more fun, games and energy to the DASA Freshers experience! We've introduced new activities, challenges, prizes and giveaways to help students get to know the DASA team, discover what we offer and get involved from the very start of their College journey.

The focus is on making DASA fun, welcoming and approachable, while using gamification to encourage students to explore our spaces, meet the team, take part in activities and find out how they can have their voice heard.

DASA & Abertay SA

We’re continuing to build our partnership with Abertay Students’ Association to give D&A students access to a wider range of clubs, societies and activities than we could provide ourselves.

With a discounted membership rate agreed for D&A students, students can get involved in a range of opportunities, meet new people and build connections outside of their course.

Abertay SA will also be joining us at Freshers to showcase the clubs, groups and activities available, helping students discover more opportunities from the start of their College journey and supporting potential future transitions into university.

Thank You!

Any Questions?

Agenda Item 8.0

BOARD OF MANAGEMENT

Tuesday 29 September 2026

PRINCIPAL'S REPORT

PAPER E

BOARD OF MANAGEMENT

Tuesday 29th September 2026
Principal's Report

Paper G for information

1. Introduction

The following paper summarises key projects and recent activities currently being progressed and have been aligned to the four core pillars of the new 2030 *Our College* strategy (*Our Students, Our People, Our Campuses, Our Impact*).

2. Recommendation

Board Members are asked to note the contents of this paper.

3. Our Students

3.1. Recruitment 2026/27: As at 24 August, 4,580 unconditional offers had been accepted and 4,036 applicants had enrolled, representing an 88% conversion rate. Recruitment activity continues for programmes with remaining capacity. Higher National enrolments remain under pressure across curriculum areas, with applicants withdrawing after securing university places and significant local university clearing activity increasing competition.

3.2. Student Satisfaction: The Scottish Funding Council Student Satisfaction and Engagement Survey 2025/26 placed D&A among Scotland's strongest-performing colleges. Satisfaction among full-time Higher Education students was the highest nationally at 96.5%, compared with 92.9% across Scotland. Full-time Further Education satisfaction was 96.8%, the second highest in Scotland and above the national average of 95.5%.

3.3. Supporting Students at the Start of Session: More than 200 digital skills induction sessions are being delivered during the opening weeks of the academic year. A new Supporting Our Students staff hub, digital screens and the MYD&A Life app are also helping students and staff to identify and access support quickly.

3.4. Enhanced Transitions and Targeted Support: More than 50 students took part in a fully funded summer engagement programme designed to build confidence, connections and readiness for college. Following a review of support provision, targeted pilots are also under way in Animal Care, Social Science and Gateway to Trades Construction, alongside earlier pre-entry engagement for students with additional support needs.

3.5. Progression and Celebration: The College celebrated graduates from DFN Project SEARCH, ESOL and the CECA Scotland Academy. DFN Project SEARCH will relaunch as Aspiring Futures in 2026/27, continuing to support young adults with learning disabilities and autistic learners into employment. Fourteen participants also completed the Sport and Leisure Employability Academy.

4. Our People

4.1. Staff Recognition: The June Staff Awards celebrated staff nominated by colleagues, students and the Executive team, with more than 650 student nominations and 56 staff nominations received. The event recognised outstanding contributions across the College values as well as the Heart of the College, Unsung Hero and Industry Impact awards.

4.2. National Equality and Diversity Award: Allan Smith, alongside colleagues in the ESOL and Learner and Community Engagement teams, received The Herald Saroj Lal Award for a Pioneering Spirit in Equality and Diversity 2026. The award recognises the team's work to remove barriers and create an inclusive, trauma-informed learning environment, building on D&A becoming Scotland's first College of Sanctuary in 2024.

4.3. People Strategy Priorities: Following completion of the voluntary severance changes in June, work is focused on improving People, organisational development and continuing professional development arrangements. Priorities include new workforce data dashboards, streamlined travel management, exploration of a single CPD management system and a planned 18-month leadership and management development programme.

4.4. Learning and Teaching Enhancement: The Learning and Teaching Enhancement team is progressing qualifications for staff, Coaching for Leadership, short Learning and Teaching Bites and the second year of the Elevate pilot. Practice Exchange has replaced the former Expert Teacher terminology to support a more collaborative approach to sharing effective practice, while learner feedback will be introduced into the observation and enhancement process.

4.5. Fair Work and Partnership Working: The College continues to meet all seven Fair Work criteria and has been featured as a good-practice case study in the Scottish Government's Fair Work policy evaluation. A joint lessons-learned session with trade unions was agreed following the end-of-year Joint Consultative Committee discussion, supporting constructive working as the College moves into the next phase of change.

5. Our Campuses

5.1. Rossie Skills Academy: D&A and Rossie Young People's Trust are establishing Scotland's first on-site skills academy for care-experienced young people. The academy will provide practical learning in plumbing, painting and decorating, joinery, IT and independent living, with small-group, trauma-informed delivery designed to build confidence and support progression into employment, training or further study.

5.2. Montrose Port Skills Academy: The Cabinet Secretary for Economy, Tourism and Transport visited the Montrose Port Skills Academy in August and met learners from the Futures in Offshore Wind course. Six learners have progressed into apprenticeships with Vestas. The planned facility will include dedicated training and workshop space across mechanical, electrical and hydraulic disciplines, supported by £1.25 million through the Tay Cities Industrial Investment Programme.

5.3. Quality of the Learning Environment: The Institution-Led Quality Review model was piloted across Social Science, Science Land and Animals, and Computing and Creative Media. Three further curriculum reviews are planned for 2026/27, alongside the first themed review of Professional Services, ensuring that curriculum, staff

development and support services continue to evolve around learner needs.

5.4. Digital and Service Infrastructure: The College is improving the systems that underpin the student and staff experience. Current work includes the new student funding system, the Supporting Our Students hub, workforce dashboards, travel management and the roll-out of UniDesk across professional services, providing a more consistent route for support and better management information.

6. Our Impact

6.1. Stronger Pathways to University: New Scottish Funding Council investment through the University Transformation Framework will support a partnership led by Abertay University with D&A and Fife College. The work will strengthen access routes, align systems and processes, improve data sharing and explore the use of artificial intelligence in forecasting, planning and the student experience.

6.2. Tackling Child Poverty: The College has secured funding to support the Scottish Government's Tackling Child Poverty Delivery Plan through Raising Income through Skills and Education, the Training Access Fund and the new Flexible Workforce Development Fund. This will enable employment-focused learning and wraparound support for parents and carers in low-income households.

6.3. Employer and Regional Skills Activity: In the first part of Tay Cities SME Skills Year 7, 20 business applications were approved, representing £97,398 of funded training and 492 delegates across Dundee, Angus and Perth and Kinross. The HospitaliTAY project is also under way, while D&A Business is refreshing its offer and market presence to strengthen commercial engagement.

6.4. Future Talent and Land-Based Careers: A total of 2,094 pupils from Dundee, Angus and Aberdeenshire took part in Future Talent Taster Days at Arbroath and Kingsway, gaining practical experience across a wide range of subject areas. The College also hosted Lantra Scotland's Be a Farmer event, connecting pupils, career changers and advisers with opportunities in agriculture and land-based industries.

6.5. Community and Inclusive Impact: The Green Roots Project continued to demonstrate the impact of learning connected to community action, involving more than 20 ESOL student volunteers in transforming a neglected Dundee garden. The project strengthened language, confidence and employability skills, with its student founder recognised at the College Prizegiving.

7. Link to Strategic Risk Register

Information in this report is intended to provide Board members with reassurance that actions and activities are being progressed and addressed that support the mitigation of a range of risks identified within the Strategic Risk Register namely:

1.1 Failure of College strategy to meet the needs of the D&A Region and/or national priorities
3.1 Failure to reach aspirational standards in learning, teaching and service delivery

Authors: Senior Leadership Team
Executive Sponsor: Simon Hewitt, Principal

Agenda Item 9.0

BOARD OF MANAGEMENT

Tuesday 29 September 2026

NATIONAL BARGAINING UPDATE

PAPER F

BOARD OF MANAGEMENT
Tuesday 29 September 2026

National Bargaining Update

Paper for noting

1. Introduction & Context

This paper summarises the current position, recent developments arising from the national bargaining processes in place for colleges.

2. Academic Staff

As reported at the June 2026 Board meeting, a national three year salaries deal has been agreed with EIS-FELA covering AY 2026/27, 2027/28 and 2028/29 (3.75%, 3.25% and 3.2% respectively. This agreement also included agreement in respect of discussions around the future workforce, with this giving clarity over salary costs for a significant proportion of the College budget through to September 2029.

Other National Discussions

Other discussions are continuing to progress nationally including the following items:

- Calendar drift
- Class sizes
- Class contact hours
- National Health & Safety arrangements
- Employment categories
- Promoted posts
- Transfer to Permanency

Further updates will be shared as arrangements progress and any outcomes are confirmed.

Academic Staff Grievance Policy & Model Procedure

Alongside the pay agreement, agreement was also reached on a national grievance policy and model procedure for academic staff. This national policy has been adopted by the College to cover all staff (whilst discussions with professional service unions continue) effective from August 2026. Whilst these are new national documents, they closely follow the ACAS guidance and as such there were no significant changes relative to the previous college policy and process.

3. Professional Services Staff

With the final year of the 3 year pay deal implemented for 2026/27, there has been more limited national discussions and outcomes progressing with Professional Services staff unions over recent months.

As noted above, discussions are continuing around the national grievance policy and model process and any updates required will be implemented following publication of the relevant national circular. Other national discussions progressing include:

- Disciplinary Policy and Procedure Review
- Draft Fair Work
- Organisational Change
- Absence Management.

National Job Evaluation

Arrangements in respect of the national job evaluation project are continuing to develop slowly with a further update provided on the NNC website in June 2026 and available here.

It is understood that KPMG have been appointed by the Scottish Funding Council to undertake the lessons learned exercise on the initial national job evaluation project. Arrangements and timescales for this will be confirmed in due course.

4. Local Professional Services staff representation

Following the decision of Richard Gordon to step back from the role of Unison representative in the College, there is now a vacancy for this role. The College has also been without any local representatives from GMB since spring 2024, meaning that any matters in respect of Professional Services staff will be referred to the appropriate Unison or GMB regional officers.

Further discussions will be held with both Unison and GMB to seek to encourage College staff to take up this role.

5. Link to Strategic Risk Register

Information in this report is intended to provide Board members with reassurance that actions and activities are being progressed and addressed that support the mitigation of the following risk within the Strategic Risk Register.

2.3 National outcomes on salaries and conditions of service outstrip ability to pay

3.6 National bargaining outcomes impact adversely on College operations, activity, and flexibility

3.7 Industrial Relations Problems (including industrial action)

3.12 Failure to attract, engage, retain, or develop appropriately qualified staff.

Author and Executive Sponsor: Steve Taylor, Vice Principal Support Services and Operations

Finance & Infrastructure Committee

Tuesday 8 September 2026

Financial Forecast Return (FFR)

Paper for retrospective approval

1. Introduction

This report provides an overview of the Financial Forecast Return for the period 2025-26 to 2028-29 and requests retrospective approval of the submission presented to SFC in June 2026.

2. Recommendations

To meet the SFC's deadline for submitting the FFR, our Board Chair along with our Finance and Infrastructure Committee Chair (Brian Lawrie) reviewed and approved the FFR on behalf of the Committee in June 2026.

The Finance and Infrastructure Committee is asked to confirm retrospective approval of the Financial Forecast Return (Appendix A) as submitted to the Scottish Funding Council on 29th June 2026.

3. Call for Information

On 8 June 2026 the Scottish Funding Council issued a call for information requesting colleges to complete a medium-term financial forecast return (FFR) for the period 2025-26 to 2028-29.

The FFR is an established part of SFC's financial health monitoring framework, enabling SFC to monitor and assess the medium-term financial planning and health of institutions. Both the guidance and information requested were very similar to the previous year.

SFC's Financial Memorandum requires institutions to plan and manage their activities to remain sustainable and financially viable and therefore take the necessary actions to balance their adjusted operating position, reflect these actions in their FFRs, and provide a full description of their financial plans in the FFR commentary including the impact upon staff and students. Institutions should aim to achieve a balanced budget each year.

Where a deficit is forecast in any year, institutions must work towards bringing income and expenditure back into balance over the forecast period. SFC will consider the adjusted operating position and the cash generative capacity of institutions when monitoring financial health.

The format of this FFR is largely unchanged, containing several tabs detailing income, expenditure, cash etc. with succinct explanations for significant yearly variances. A final summary tab provides some key indicators of financial strength.

Key FFR planning assumptions are provided by SFC. SFC grant funding assumptions have taken account of the Scottish Government's Spending Review. Scottish Government will continue to set budgets annually over the Spending Review period so assumptions beyond FY 2026-27 are indicative. SFC core grant funding and related credit targets remain unchanged from those set out in the 2026-27 final funding announcement.

The following commentary is intended to address the key elements requested by SFC's Call for Information.

4. Introduction

This forecast is prepared against a backdrop of an extremely challenging financial environment affecting the College, its staff and students.

The Scotland's Colleges 2025 report by Audit Scotland highlighted the financial challenges faced by Scotland's colleges including seven of 24 colleges reporting a deficit in 2023/24, with some requiring emergency funding from the SFC. This remains relevant and is compounded by inflation, increasing fuel prices, the rising cost of living and resulting increased pay demands. Audit Scotland's upcoming report on Scotland's Colleges for 2026 is due for publication in September 2026.

The Scottish Funding Council (SFC) published College Indicative Funding Allocations and Credit Thresholds on 25 March 2026. Our 2026/27 indicative credit threshold remains unchanged at 98,307.

Our 2026/27 indicative teaching grant is £35.637m. This is £3.043m (9.3%) more than our 2025/26 base teaching grant of £32.594m. Final SFC allocations are expected at the end of May 2026. No change is anticipated to our final teaching grant award.

Our indicative 2026/27 capital grant is £2.654m (2025/26 £2.654m).

The College acted swiftly in anticipation of a deficit position in 2026/27 by implementing a savings exercise during September to December 2025. This reduced our 2025/26 budget deficit by £1.707m (from £2.348m to £641k). The impact of these savings was included in the 2026/27 draft budget and indicative budgets for the two following years.

Board agreed our 2026/27 budget on 16th June 2026 (overall £133k surplus) with the expectation that this will be revised in the light of actual student applications received for 2026/27. The revised budget will be presented to Finance and Infrastructure Committee in early December 2026.

We face a requirement to deliver c£2m savings in advance of 2027/28 and a further £1.5m in advance of 2028/29 to achieve a balanced financial position. Although the SLT will continue to work to identify efficiencies and savings, realistically we will not achieve financial sustainability without a change to our credit targets and/or increased tuition fee funding in line with inflation and pay increases. Work on the draft budget for 2027/28 and indicative

budgets for 2028/29 and 2029/30 will begin in October 2026.

5. College Strategy 2030

The Dundee and Angus College Strategy 2030 set out how we plan to deliver high quality, inspirational education, skills training and support that is accessible, inclusive and aligned to the needs of students, people, industries and communities.

The Strategy objectives are set out across four key themes:

Our students

- Enable student success
- Provide inclusive education
- Develop career readiness

Our people

- Champion professional development
- Embed wellbeing and support
- Role model leadership and culture

Our campuses

- Deliver our infrastructure ambitions
- Promote sustainability
- Be accessible by design

Our Impact

- Strengthen community connections
- Dive economic growth
- Be trusted and respected throughout Scotland

The key actions of the strategy are set out below:

Our students

- Expand our part time and work-based learning options and pathways to meet the diverse economic and social growth needs of our region.

- Through our focus on ‘Changing Learners’, develop and enhance the wrap-around support services our students need to succeed, integrating resilience and respect within course planning and delivery.

- Build on our academic, business and community partnerships to provide our students with inspirational learning experiences that improve lives and align with economic needs as well as supporting entrepreneurial skills growth.

- Develop sustainability focused, adaptive and interactive learning and teaching approaches motivating our students to develop their knowledge, skills and experience, enabling and empowering them to be successful in their learning.

Our People

- Provide and promote effective, sustainably driven CLPL programmes and development opportunities that meet the needs of the diverse roles and aspirations within our college, with a particular focus on the Changing Learner.

- Engage our people across all parts of our college through cross-College initiatives that provide opportunities to connect, support and develop our college community.

- Deliver leadership programmes within our college that develop future leaders from within our existing people and promotes a value-based ethos and culture.

- Co-create a comprehensive culture of wellbeing and sustainable living that supports everyone to thrive.

Our campuses

- Secure funding and complete key infrastructure developments, including the delivery of our 10-year infrastructure vision.

- Create a net-zero culture, embedding sustainable practices and green technologies across all campuses, and throughout our learning, teaching and service delivery to reduce our environmental impact and move us towards our net zero ambitions.

- Improve signage and wayfinding, ensure digital accessibility, provide assistive technologies and adopt inclusive policies to ensure our students and people feel supported and safe.

- Create and deliver a 2030 Digital Strategy, embedding data within our operations and aligning learning, teaching and services with sustainability and transformative technologies such as AI and Automation.

Our impact

- Grow and sustain strategic partnerships with local organisations, schools and third sector groups that improve the lives, opportunities and outcomes of our communities, tackling key regional issues such as poverty, economic activity and participation.

- Develop new income streams through strategic decision making and prioritisation of involvement in local / national projects.

- Add significant additional value to our region through partnerships, projects and activities aimed at addressing regional economic challenges and supporting economic growth and transformation.

- Promote the success and capabilities of our college, enhancing our reputation

regionally and nationally through our actions and through the implementation of strategic marketing, communication and engagement plans.

Whilst the FFR is intended to present financial projections, it is important that we always have our purpose at the forefront of everything we do. We are a sector-leading College that provides, opportunities, skill development and training for our Region, often to our most disadvantaged young people.

6. Financial Strategy 2026 to 2030

A comprehensive revision of the Financial Strategy was undertaken this year and our 2026 to 2030 Financial Strategy was approved by the Board on 17th March 2026. The Strategy sets out a clear and evidence-based plan to guide the College to 2030. It outlines the key assumptions underpinning our medium and long-term forecasts, identifies the strategic risks affecting the College's financial health, and provides a framework for making informed decisions on cost control, income diversification, investment, and organisational change. The strategy also recognises the importance of aligning financial plans with Our College Strategy 2030, the Infrastructure Vision, and the need to protect student experience and staff wellbeing.

The Strategy is a working document which will be used to set the draft budget 2027/28 and indicative budget for 2028/29 and 2029/30.

7. Review of Financial Performance 2025-26

The Mid-Year Return, submitted in March and based upon the College's budget monitoring projections at February 2026 predicted an Adjusted Operating Result of £947k deficit compared to a budget of £641k deficit. It detailed the substantial improvement made by the College compared to our original deficit budget of £2.348m, a reduction of £1.707m.

This FFR predicts an Adjusted Operating Result of £951k deficit and this was based upon our budget monitoring forecast at 31 May 2026. The Forecast Outturn Report elsewhere on this agenda provides an updated position of £322k deficit, a favourable movement of £629k. This movement comprises the following reductions to the projection:

- £270K additional Skills Development Scotland and managing agent income,
- £161k various project expenditure,
- £112k various minor expenditure reductions across the College,
- £48k vat reduction,
- £38k additional catering and other income.

8. SFC Recurrent Grant

SFC grant income for 2025-26 is in accordance with the AY 2025-26 final college sector funding allocations. Our 2026/27 indicative Teaching Funding Grant is £35.637m. This is £3.043m (9.3%) more than our 2025/26 baseline teaching grant of £32.594m. SFC has confirmed that funding is embedded in our baseline grant allocation for increases in National Insurance costs, the SPPA academic pension increase and staff pay awards.

We have assumed flat cash funding for the 2027/28 and 2028/29 indicative budgets in line with our agreed Financial Strategy and SFC FFR guidance.

9. Changes in Tuition Fees and other income

Specific variances are explained within the FFR.

Tuition Fees

Tuition fees are almost unchanged in the 2026/27 budget, except for commercial income where we anticipate a reduction to the provision. This budget will be revised in Autumn 2026 in the light of actual 2026/27 AY student recruitment. We assumed a similar level for 2027/28 to 2028/29.

Non-core Income

Non-core income includes managing agents, modern apprenticeships, other commercial income and projects. Overall, 2026/27 non-core income has reduced by £820k compared to the 2025/26 revised budget. This is due to some projects ceasing after 2025/26 as well as reprofiling of some on-going project income. We have included profiled project income for 2027/28 and 2028/29, where already agreed.

A £200k project contribution target is included in the 2026/27 draft budget in response to the Financial Strategy action to 'continue to identify and secure opportunities for additional and alternative funding that provides either income or opportunity contribution to the College.'

The College remains committed to developing strategic partnerships to obtain alternative sources of funding to support further curriculum development, transformation and investment in estates, with renewables and energy efficiency and decarbonisation continuing to be the main drivers.

Non-SFC grant income is generated from a variety of sources and is therefore inherently inconsistent. It is however generally matched by broadly equivalent associated expenditure and so has limited net impact upon adjusted operating results.

10. Commercial Income

Commercial income has benefitted from the structural changes described previously, maximising contracts and exploiting new opportunities. We also anticipate that the strategic partnerships will present more opportunities for commercial growth.

11. Changes in Staff Costs

The 2026/27 pay budget includes provision for all permanent and contracted staff, calculated individually. We have included job evaluation costs of £676k in other staff costs and adjusted the exceptional items line within our Adjusted Operating Result, as required by the guidance. We have included National Insurance costs at current HMRC rates. Budgets include incremental progression costs (£80k 2026/27, £94k 2027/28, £102k 2028/29).

The 2026/27 pay budget includes provision for the nationally agreed pay award for support staff of 3.4% (£514k), 2026/27, 3% (£463k) in 2027/28 and 3% (£476k) 2028/29.

The 2026/27 draft staffing budget includes provision for variable pay based on 2025/26 variable teaching and support staff hours. This will be revised in autumn, once course provision is finalised for the 2026/27 academic year, in line with our agreed Financial Strategy assumptions.

Budgets include provision of £627k (2026/27), £563k (2027/28) and £538k (2028/29) for academic pay for agreed pay increases of 3.75% (2026/27), 3.25% (2027/28) and 3.2% (2028/29).

We have included employer pension costs at 26% for all academic staff (Scottish Public Pensions Scheme) and 15.6% for all support staff (Tayside Pension Fund – Local Government Pension Scheme). The FFR assumes that there will be no increases in pension contributions to 2028/29.

The Triennial Valuation for Tayside Pension Fund will be carried out by the fund actuary as at 31 March 2026. This determines the level of employer pension contributions for support staff over the next three years (2027/28, 2028/29 and 2029/30). No increase has been built into the 2027/28 or 2028/29 indicative budgets in line with the FFR.

Provision for voluntary severance has been removed for 2026/27 and beyond. The Financial Strategy assumptions agreed that we will continue to offer voluntary severance. This budget assumes that severance costs will be offset by in-year salary or other savings. In practice this will mean voluntary severance will require to be agreed early in the 2026/27 year, unless alternative funding can be identified.

12. Changes in non-staff expenditure

Non-Staff expenditure has increased by £579k compared to the 2025/26 revised budget. We have factored inflationary increases for utilities and digital where high inflation is expected due to rising costs. We made one-off savings of in 2025/26 within Digital (£265k) Estates (£100k). These budgets are required in 2026/27 and beyond.

Except for utility costs, the impact of inflation is absorbed through either reduction in spending, particularly in areas such as property and ICT, or by efficiencies. Given our observations regarding reduced discretionary spend, this will be extremely challenging.

13. Cash Position

As with previous years, the cash position is largely driven by the operating position and our annual commitments to both unfunded pensions and loan repayments. When the FAR was submitted we estimated an opening cash balance of almost £3.3m in August 2026. Our actual opening cash balance is £4.169m. This is due to deferred income balances of £610k for various projects. We also hold a further £728k of Energy Skills Partnership balances. The table below summarises the cash position included in the FFR submission.

Cashflow projection	2024/25 Actual £000	2025/26 Forecast £000	2026/27 Draft £000	2027/28 Indicative £000	2028/29 Indicative £000
(Surplus)/deficit before loan	3,895	492	(1,047)	1,008	2,264
Loan repayment	457	457	914	0	0
(Surplus)/deficit after loan	**4,352**	**949**	**(133)**	**1,008**	**2,264**
Capital expenditure	1,636	700	2,387	1,415	1,365
Capital funding	(1,179)	(1,157)	(3,579)	(2,654)	(2,654)
Asset disposal	(588)	0	(125)	0	0
Working capital movements	(1,520)	308	1,318	1067	(2,120)
Net movements in cash balances	**2,701**	**800**	**(133)**	**836**	**(1,146)**
Opening cash balance	(6,777)	(4,076)	(3,276)	(3,130)	(883)
Closing cash balance	**(4,076)**	**(3,276)**	**(3,130)**	**(883)**	**2,669**
Net movement in cash balances	2,701	800	146	2,247	3,553

Asset disposal proceeds are estimated from the sale of underutilised outreach property at Montrose. Two loan repayments are due to Santander during AY 2026/27, on 1st August 2026 and a final payment on 30 June 2027.

14. Contingency Planning

As part of the budget setting process for 2027/28 and beyond, we will review and update our Financial Strategy and the underlying budget setting assumptions. We will continue to model possible outcomes based upon different funding and income scenarios. It should be acknowledged however that the tools available to manage these results are both limited and, in the case of some scenarios, inadequate without additional funding.

Increases in revenue streams can only ever be modest, particularly with the college carrying a heavy cost base compared with private providers. The College has been successful and will continue to pursue investment from other sources to enable it to achieve its strategic aims. However, whilst this is hugely beneficial for a host of reasons, it has only a very limited impact upon operational liquidity.

Staffing reductions are costly, creating in in-year deficits, and it may become increasingly difficult to reduce headcount on a voluntary basis, though compulsory costs can still be significant and will often include pension strain costs in the case of support staff.

Flexible use of capital and maintenance funding is currently being applied to 31 July 2026, however, SFC has been clear this cannot continue into future years. This will cause additional pressure on our revenue budget of c£1.3m per annum.

The Dundee & Angus Foundation (ALF) continues to be supportive, most recently approving a bid of £145K in 2025/26 and £21k in 2026/27. The ALF can assist with short-

term, one-off costs but ALF cash is depleting to near minimum levels so it cannot continue to support the college indefinitely. Furthermore, its objectives do not specifically allow for a donation to be provided to support severance costs.

Worsening possible scenarios have caused us to consider removal of provision, cessation of services and closure or partial closure of campuses. There are however obstacles and severe implications to be considered, and such radical decisions would not be taken without careful consideration and consultation with stakeholders.

15. Risk Management and Alternative Scenario Planning

Risk Management is applied to everything we do. Our Strategic Risk Register captures all potential risks together with mitigating actions and monitoring arrangements. The risks set out below are delegated to the Board's Finance & Infrastructure Committee and risk 2.2 "Failure to achieve institutional sustainability" was considered at the meeting held on 26 May 2026. This risk was updated to reflect our revised Financial Strategy and related assumptions. It continues to be managed as a 'major risk'.

2.1 Change in SFC Funding Methodology and Allocation – Reduction in Funding

2.2 Failure to achieve institutional sustainability

2.3 National outcomes on salaries and conditions of service outstrip ability to pay

2.5 D&A Foundation refuses/withholds funding for key College priorities

2.6 Demands of capital development / maintenance impacts on financial sustainability or delivery of learning and/or services

4.2 Failure to achieve ambitions of Digital strategy; strategy and development is ineffective

4.5 Lack of investment in ageing/beyond serviceable life infrastructure (inc. RAAC, Asbestos and M&E failure concerns) impacts on financial sustainability and/or delivery of learning and/or services.

The specific risks affecting the preparation of the FFR all fall under these broad categories. Mitigating strategies are varied but include local and national engagement, robust budget setting and monitoring, sensitivity analysis, workforce and investment planning.

16. Conclusion

We concluded last year that, notwithstanding the Board and the Executive's absolute commitment to ensuring the financial sustainability of the College, this will only be achievable in the long term where national policies and funding methodologies are supportive of the challenging decisions that will be necessary to ensure we continue to be a successful College for the benefit of our learners, our communities and Tayside Region.

Authors: Nicky Anderson Director of Finance
Holly Farningham Finance Manager
Executive Sponsor: Steven Taylor Vice Principal Support Services and Operations

Dundee and Angus College

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Total Funding Council Grant as % of Total Income	72%	79%	84%	85%	85%
Total non-Funding Council Grant as % of Total Income	28%	21%	16%	15%	15%
Total Education Contracts and Tuition Fees as % of Total Income	10%	8%	8%	8%	8%
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Total Other Income as % of Total Income	18%	12%	9%	7%	7%
Expenditure ratios					
Total Expenditure	49,522	52,097	51,800	51,357	52,528
Salaries as % of Total Expenditure	73%	69%	71%	73%	73%
Other operating costs as % of Total Expenditure	19%	21%	20%	19%	19%
Depreciation/amortisation as % of Total Expenditure	8%	7%	7%	7%	7%
Operating position					
Operating Surplus/(deficit)	(2,012)	(3,482)	(2,397)	(3,538)	(4,793)
Operating Surplus/(deficit) as % of Total Income	-4%	-7%	-5%	-7%	-10%
Adjusted operating surplus/(deficit)	-643	-951	134	-1,007	-2,262
Adjusted operating surplus/(deficit) as % of Total Income	-1.4%	-2.0%	0.3%	-2.1%	-4.7%
Cash Position					
Cash and Current Asset Investments	4,076	3,276	3,130	883	-2,669
Overdrafts	0	0	0	0	0
Days Ratio of Cash to Total Expenditure	33	25	24	7	-20
Net cash inflow/(outflow) from operating activities	-2,297	-1,466	-280	-2,285	-3,590
Net cash inflow/(outflow) from operating activities as % of Total Income	-4.8%	-3.0%	-0.6%	-4.8%	-7.5%
Balance Sheet strength					
Unrestricted reserves	9,458	5,976	3,412	(126)	(4,919)
Liquidity ratio	1.24	0.77	0.54	0.26	-0.08
Unrestricted reserves as % of Total Income	20%	12%	7%	0%	-10%
Total borrowing (Overdrafts, Loans, Finance Leases, PFI/NPD)	1,366	1,371	914	0	0
Interest cover	-13.79	-6.36	-1.46	-109.56	-148.78

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Adjusted operating surplus/(deficit)	-643	-951	134	-1,007	-2,262
Adjusted operating surplus/(deficit) as % of Total Income	-1.4%	-2.0%	0.3%	-2.1%	-4.7%
Cash Position					
Cash and Current Asset Investments	4,076	3,276	3,130	883	-2,669
Overdrafts	0	0	0	0	0
Days Ratio of Cash to Total Expenditure	33	25	24	7	-20
Net cash inflow/(outflow) from operating activities	-2,297	-1,466	-280	-2,285	-3,590
Net cash inflow/(outflow) from operating activities as % of Total Income	-4.8%	-3.0%	-0.6%	-4.8%	-7.5%
Balance Sheet strength					
Unrestricted reserves	9,458	5,976	3,412	(126)	(4,919)
Liquidity ratio	1.24	0.77	0.54	0.26	-0.08
Unrestricted reserves as % of Total Income	20%	12%	7%	0%	-10%
Total borrowing (Overdrafts, Loans, Finance Leases, PFI/NPD)	1,366	1,371	914	0	0
Interest cover	-13.79	-6.36	-1.46	-109.56	-148.78

Dundee and Angus College

Balance Sheet

			Actual 2024-25 £000	Forecast 2025-26 £000	Forecast 2026-27 £000	Forecast 2027-28 £000	Forecast 2028-29 £000	2024-25 - 2025-26 %	2025-26- 2026-27 %	2026-27 - 2027-28 %	2027-28 - 2028-29 %	Explanation for variance
1	Non-current assets	a) Intangible assets		0	0	0	0					
		b) Fixed assets	74,102	72,707	70,665	69,537	68,409	-1.9%	-2.8%	-1.6%	-1.6%	Reducing with depreciation but subject to potential revaluation of property/RAAC and infrastructure vision
		c) Investments		0	0	0	0					
	Total non-current assets		**74,102**	**72,707**	**70,665**	**69,537**	**68,409**	-1.9%	-2.8%	-1.6%	-1.6%	
2	Current assets	a) Stock	10	10	10	10	10	0.0%	0.0%	0.0%	0.0%	
		b) Debtors	1,628	1,628	1,795	1,795	1,795	0.0%	10.3%	0.0%	0.0%	
		c) Investments		0	0	0	0					
		d) Cash and cash equivalents	4,076	3,276	3,130	883	-2,669	-19.6%	-4.5%	-71.8%	-402.3%	
		e) Other (e.g. assets for resale)		0	0	0	0					
	Total current assets		**5,714**	**4,914**	**4,935**	**2,688**	**(864)**	-14.0%	0.4%	-45.5%	-132.1%	
3	Creditors: amounts falling due within one year	a) Bank loans and external borrowing	453	457	914	0	0	0.9%	100.0%	-100.0%		
		b) Bank overdrafts		0	0	0	0					
		c) Lennartz creditor		0	0	0	0					
		d) Obligations under finance leases and service concessions		0	0	0	0					
		e) Payments received in advance	860	0	0	0	0	-100.0%				
		f) Amounts owed to SFC	491	485	485	485	485	-1.2%	0.0%	0.0%	0.0%	
		g) Obligations under PFI/NPD		0	0	0	0					
		h) Deferred capital grant	2,474	2,474	2,474	2,474	2,474					
		i) Other creditors and accruals	2,809	5,406	7,743	9,702	10,697	92.5%	43.2%	25.3%	10.3%	
	Total creditors < 1year		**7,087**	**8,822**	**11,616**	**12,661**	**13,656**	24.5%	31.7%	9.0%	7.9%	
	Share of net assets/(liabilities) in associate		0	0	0	0	0					
	NET CURRENT ASSETS/LIABILITIES		**(1,373)**	**(3,908)**	**(6,681)**	**(9,973)**	**(14,520)**	184.6%	71.0%	49.3%	45.6%	
	TOTAL ASSETS LESS CURRENT LIABILITIES		**72,729**	**68,799**	**63,984**	**59,564**	**53,889**	-5.4%	-7.0%	-6.9%	-9.5%	
4	Creditors: amounts falling due after more than one year	a) Local authority loans		0	0	0	0					
		b) Bank loans and external borrowing	913	914	0	0	0	0.1%	-100.0%			Annual repayment and ammortisation. Final repayment June 2027
		c) Lennartz creditor		0	0	0	0					
		d) Finance leases and service concessions		0	0	0	0					
		e) Obligations under PFI/NPD		0	0	0	0					
		f) Deferred capital grant	18,543	18,305	17,177	16,049	14,921					reduces with depreciation of Government funded assets
		g) Amounts repayable to Funding Council		0	0	0	0					
		h) Other creditors										
	Total creditors >1 year		**19,456**	**19,219**	**17,177**	**16,049**	**14,921**	-1.2%	-10.6%	-6.6%	-7.0%	
5	Provisions	a) Pension provisions	1,950	1,520	1,520	1,520	1,520	-22.1%	0.0%	0.0%	0.0%	Unfundned payments reduced liability but subject to annual actuarial valuation -assumes stable
		b) Other	4,678	5,355	6,032	6,709	7,386	14.5%	12.6%	11.2%	10.1%	Job evaluation
	Total provisions		**6,628**	**6,875**	**7,552**	**8,229**	**8,906**	3.7%	9.8%	9.0%	8.2%	
	TOTAL NET ASSETS		**46,645**	**42,705**	**39,255**	**35,286**	**30,062**	-8.4%	-8.1%	-10.1%	-14.8%	
9	Restricted Reserves	a) Endowment Reserve	0	0	0	0	0					
		b) Restricted Reserve	0	0	0	0	0					
10	Unrestricted reserves	a) Income and Expenditure Reserve	9,458	5,976	3,412	(126)	(4,919)	-36.8%	-42.9%	-103.7%	3804.0%	
		b) Revaluation reserve	37,187	36,729	35,843	35,412	34,981	-1.2%	-2.4%	-1.2%	-1.2%	Reduces with annual transfer to I&E Reserve but subject to asset revaluation adjustment
11	Non-controlling interest		0	0	0	0	0					
	TOTAL RESERVES		**46,645**	**42,705**	**39,255**	**35,286**	**30,062**	-8.4%	-8.1%	-10.1%	-14.8%	

Dundee and Angus College

Balance Sheet

			Actual 2024-25 £000	Forecast 2025-26 £000	Forecast 2026-27 £000	Forecast 2027-28 £000	Forecast 2028-29 £000	2024-25 - 2025-26 %	2025-26- 2026-27 %	2026-27 - 2027-28 %	2027-28 - 2028-29 %	Explanation for variance
1	Non-current assets	a) Intangible assets		0	0	0	0					
		b) Fixed assets	74,102	72,707	70,665	69,537	68,409	-1.9%	-2.8%	-1.6%	-1.6%	Reducing with depreciation but subject to potential revaluation of property/RAAC and infrastructure vision
		c) Investments		0	0	0	0					
	Total non-current assets		**74,102**	**72,707**	**70,665**	**69,537**	**68,409**	-1.9%	-2.8%	-1.6%	-1.6%	
2	Current assets	a) Stock	10	10	10	10	10	0.0%	0.0%	0.0%	0.0%	
		b) Debtors	1,628	1,628	1,795	1,795	1,795	0.0%	10.3%	0.0%	0.0%	
		c) Investments		0	0	0	0					
		d) Cash and cash equivalents	4,076	3,276	3,130	883	-2,669	-19.6%	-4.5%	-71.8%	-402.3%	
		e) Other (e.g. assets for resale)		0	0	0	0					
	Total current assets		**5,714**	**4,914**	**4,935**	**2,688**	**(864)**	-14.0%	0.4%	-45.5%	-132.1%	
3	Creditors: amounts falling due within one year	a) Bank loans and external borrowing	453	457	914	0	0	0.9%	100.0%	-100.0%		
		b) Bank overdrafts		0	0	0	0					
		c) Lennartz creditor		0	0	0	0					
		d) Obligations under finance leases and service concessions		0	0	0	0					
		e) Payments received in advance	860	0	0	0	0	-100.0%				
		f) Amounts owed to SFC	491	485	485	485	485	-1.2%	0.0%	0.0%	0.0%	
		g) Obligations under PFI/NPD		0	0	0	0					
		h) Deferred capital grant	2,474	2,474	2,474	2,474	2,474					
		i) Other creditors and accruals	2,809	5,406	7,743	9,702	10,697	92.5%	43.2%	25.3%	10.3%	
	Total creditors < 1year		**7,087**	**8,822**	**11,616**	**12,661**	**13,656**	24.5%	31.7%	9.0%	7.9%	
	Share of net assets/(liabilities) in associate		0	0	0	0	0					
	NET CURRENT ASSETS/LIABILITIES		**(1,373)**	**(3,908)**	**(6,681)**	**(9,973)**	**(14,520)**	184.6%	71.0%	49.3%	45.6%	
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		b) Bank loans and external borrowing	913	914	0	0	0	0.1%	-100.0%			Annual repayment and ammortisation. Final repayment June 2027
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		d) Finance leases and service concessions		0	0	0	0					
		e) Obligations under PFI/NPD		0	0	0	0					
		f) Deferred capital grant	18,543	18,305	17,177	16,049	14,921					reduces with depreciation of Government funded assets
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		h) Other creditors										
	Total creditors >1 year		**19,456**	**19,219**	**17,177**	**16,049**	**14,921**	-1.2%	-10.6%	-6.6%	-7.0%	
5	Provisions	a) Pension provisions	1,950	1,520	1,520	1,520	1,520	-22.1%	0.0%	0.0%	0.0%	Unfundned payments reduced liability but subject to annual actuarial valuation -assumes stable
		b) Other	4,678	5,355	6,032	6,709	7,386	14.5%	12.6%	11.2%	10.1%	Job evaluation
	Total provisions		**6,628**	**6,875**	**7,552**	**8,229**	**8,906**	3.7%	9.8%	9.0%	8.2%	
	TOTAL NET ASSETS		**46,645**	**42,705**	**39,255**	**35,286**	**30,062**	-8.4%	-8.1%	-10.1%	-14.8%	
9	Restricted Reserves	a) Endowment Reserve	0	0	0	0	0					
		b) Restricted Reserve	0	0	0	0	0					
10	Unrestricted reserves	a) Income and Expenditure Reserve	9,458	5,976	3,412	(126)	(4,919)	-36.8%	-42.9%	-103.7%	3804.0%	
		b) Revaluation reserve	37,187	36,729	35,843	35,412	34,981	-1.2%	-2.4%	-1.2%	-1.2%	Reduces with annual transfer to I&E Reserve but subject to asset revaluation adjustment
11	Non-controlling interest		0	0	0	0	0					
	TOTAL RESERVES		**46,645**	**42,705**	**39,255**	**35,286**	**30,062**	-8.4%	-8.1%	-10.1%	-14.8%	

Dundee and Angus College

Balance Sheet

			Actual 2024-25 £000	Forecast 2025-26 £000	Forecast 2026-27 £000	Forecast 2027-28 £000	Forecast 2028-29 £000	2024-25 - 2025-26 %	2025-26- 2026-27 %	2026-27 - 2027-28 %	2027-28 - 2028-29 %	Explanation for variance
1	Non-current assets	a) Intangible assets		0	0	0	0					
		b) Fixed assets	74,102	72,707	70,665	69,537	68,409	-1.9%	-2.8%	-1.6%	-1.6%	Reducing with depreciation but subject to potential revaluation of property/RAAC and infrastructure vision
		c) Investments		0	0	0	0					
	Total non-current assets		**74,102**	**72,707**	**70,665**	**69,537**	**68,409**	-1.9%	-2.8%	-1.6%	-1.6%	
2	Current assets	a) Stock	10	10	10	10	10	0.0%	0.0%	0.0%	0.0%	
		b) Debtors	1,628	1,628	1,795	1,795	1,795	0.0%	10.3%	0.0%	0.0%	
		c) Investments		0	0	0	0					
		d) Cash and cash equivalents	4,076	3,276	3,130	883	-2,669	-19.6%	-4.5%	-71.8%	-402.3%	
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		e) Payments received in advance	860	0	0	0	0	-100.0%				
		f) Amounts owed to SFC	491	485	485	485	485	-1.2%	0.0%	0.0%	0.0%	
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		h) Deferred capital grant	2,474	2,474	2,474	2,474	2,474					
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	Total creditors < 1year		**7,087**	**8,822**	**11,616**	**12,661**	**13,656**	24.5%	31.7%	9.0%	7.9%	
	Share of net assets/(liabilities) in associate		0	0	0	0	0					
	NET CURRENT ASSETS/LIABILITIES		**(1,373)**	**(3,908)**	**(6,681)**	**(9,973)**	**(14,520)**	184.6%	71.0%	49.3%	45.6%	
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		h) Other creditors										
	Total creditors >1 year		**19,456**	**19,219**	**17,177**	**16,049**	**14,921**	-1.2%	-10.6%	-6.6%	-7.0%	
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		b) Other	4,678	5,355	6,032	6,709	7,386	14.5%	12.6%	11.2%	10.1%	Job evaluation
	Total provisions		**6,628**	**6,875**	**7,552**	**8,229**	**8,906**	3.7%	9.8%	9.0%	8.2%	
	TOTAL NET ASSETS		**46,645**	**42,705**	**39,255**	**35,286**	**30,062**	-8.4%	-8.1%	-10.1%	-14.8%	
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		b) Restricted Reserve	0	0	0	0	0					
10	Unrestricted reserves	a) Income and Expenditure Reserve	9,458	5,976	3,412	(126)	(4,919)	-36.8%	-42.9%	-103.7%	3804.0%	
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11	Non-controlling interest		0	0	0	0	0					
	TOTAL RESERVES		**46,645**	**42,705**	**39,255**	**35,286**	**30,062**	-8.4%	-8.1%	-10.1%	-14.8%	

Dundee and Angus College

ALF Funding	Actual 2024-25 £000	Forecast 2025-26 £000	Forecast 2026-27 £000	Forecast 2027-28 £000	Forecast 2028-29 £000
Estimated balance of cash in ALF as at 1 August	1,257	1,147	1,002	981	981
Donation to Arms Length Foundation				0	0
Grant from Arms Length Foundation - capital	0	0	0	0	0
Grant from Arms Length Foundation - revenue	(110)	(145)	(21)	0	0
Estimated balance of cash in ALF as at 31 July	**1,147**	**1,002**	**981**	**981**	**981**

Actual 2024/25 = 2023/24 Annual Accounts balance from Companies House

Note:
For most foundations, the most recent accounts available are for periods ending in 2024. Colleges' forecast movements will not include governance costs, donations from third parties, payments to third parties or investment income.

	Actual 2024-25 £000	Forecast 2025-26 £000	Forecast 2026-27 £000	Forecast 2027-28 £000	Forecast 2028-29 £000
Grant from Arms Length Foundation - capital:					
Description	0	0	0	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Total	**0**	**0**	**0**	**0**	**0**
Grant from Arms Length Foundation - revenue					
Infrastructure Vision	110	145	21	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Total	**110**	**145**	**21**	**0**	**0**

Dundee and Angus College

ALF Funding	Actual 2024-25 £000	Forecast 2025-26 £000	Forecast 2026-27 £000	Forecast 2027-28 £000	Forecast 2028-29 £000
Estimated balance of cash in ALF as at 1 August	1,257	1,147	1,002	981	981
Donation to Arms Length Foundation				0	0
Grant from Arms Length Foundation - capital	0	0	0	0	0
Grant from Arms Length Foundation - revenue	(110)	(145)	(21)	0	0
Estimated balance of cash in ALF as at 31 July	**1,147**	**1,002**	**981**	**981**	**981**

Actual 2024/25 = 2023/24 Annual Accounts balance from Companies House

Note:
For most foundations, the most recent accounts available are for periods ending in 2024. Colleges' forecast movements will not include governance costs, donations from third parties, payments to third parties or investment income.

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Grant from Arms Length Foundation - capital:					
Description	0	0	0	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Total	**0**	**0**	**0**	**0**	**0**
Grant from Arms Length Foundation - revenue					
Infrastructure Vision	110	145	21	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Description	0	0	0	0	0
Total	**110**	**145**	**21**	**0**	**0**

Agenda Item 10.2

BOARD OF MANAGEMENT

Tuesday 29 September 2026

FINANCE & INFRASTRUCTURE COMMITTEE END OF YEAR FORECAST (FOR INFORMATION ONLY)

PAPER H

BOARD OF MANAGEMENT

Finance & Infrastructure Committee

Tuesday 8th September 2026

2025/26 Forecast Outturn Report

Paper for information

1. Introduction

This report brings to the Committees attention the projected outturn for the year 1 August 2025 to 31 July 2026.

The Annual Report and Accounts deadline is Monday 28th September when Forvis Mazars, our external auditors, will begin the on-site audit of our 2025/26 Annual Report and Accounts.

Members are asked to note that the projected outturn position set out in this report may change, as work is still going on to finalise the accounts.

2. Recommendation

Members are asked to note the current projected 2025/26 outturn of £322k deficit (Appendix A) as at 31 July 2026 and the related cashflow projection (paragraph 5).

A summary of risk is attached at Appendix B.

3. Executive Summary

The Board approved a £2.348m deficit budget (including £457k loan) in September 2025. It was approved as the base position with the caveat that action would be taken to bring the budget into balance as soon as feasible, acknowledging that the full level of savings may not be achieved within the 2025/26 year. The Board approved the 2025/26 budget process to deliver financial sustainability within the three-year budget period up to 2027/28.

As a result of the savings exercise carried out between September and December 2025, our 2025/26 deficit budget reduced by £1.707m to £641k. Our year end forecast outturn is a deficit of £322k. This is £319k less than the deficit budget.

4. Forecast Outturn as at 31 July 2026

Appendix A details the College budget including projects and capital, compared to the current forecast outturn deficit of £322k.

Summary of Movements to the Projection

At 30 June 2026 we projected a deficit of £753k, this has reduced by £431k to a £322k deficit. The movements to the projection are detailed below.

- We received £218k more income from Managing Agents and Skills Development Scotland than projected in June.
- Variances in projects income and expenditure produced a net reduction of £130k.
- Various minor movements across the College reduced the forecast by £83k.

5. Cashflow projection

Cash held at 31 July 2025 is £4,169k. £728k of this balance relates to Energy Skills Partnership balances held, and we are holding £610k of deferred income for other projects at the year end. Unrestricted cash at 31 July 2026 is £2,831k and this represents 25 days cash.

Cashflow forecast 2025/26	2024/25 £000 Actual	2025/26 £000 Forecast
Cash backed surplus/(deficit)	3,895	492
Loan repayment	457	457
(Surplus)/deficit after loan	**4,352**	**949**
Capital expenditure	1,636	700
Capital funding	(1,179)	(1,157)
Asset disposal	(588)	0
Working capital movements	(1,520)	(585)
Net movement in cash balances	**2,701**	**(93)**
Opening cash balances	6,777	4,076
Closing cash balances	**4,076**	**(4,169)**
Net movement in cash balances	2,701	(93)

6. Link to Strategic Risk Register

Managing the budget and reporting to the SLT supports the mitigation of strategic risk 2.2 – failure to achieve institutional sustainability.

Author: Nicky Anderson – Director of Finance
Holly Farningham – Finance Manager
Executive Sponsor: Steve Taylor, Vice Principal – Support Services & Operations

Appendix A

Budget monitoring position 2025/26	Operating Budget £000	Projected Outturn at 31 July £000	(Underspend)/ Overspend £000
Teaching Grant	(31,460)	(32,261)	(801)
Other SFC Grants	(4,338)	(4,053)	285
SFC Total	**(35,798)**	(36,313)	(515)
Tuition Fees	(2,571)	(2,621)	(50)
Non core income	(3,928)	(4,476)	(548)
Catering & other income	(2,490)	(2,442)	48
Donation from ALF	(145)	(145)	0
Total income	**(44,932)**	**(45,997)**	**(1,065)**
Staff pay			
Teaching pay - established	17,965	17,684	(281)
Teaching pay - variable	1,723	1,856	133
Invoiced staff costs	535	457	(78)
Teaching support pay	2,767	2,804	37
Support pay	12,505	12,390	(115)
Apprenticeship levy	125	105	(20)
Voluntary Severance Scheme	300	926	626
Unfunded pension payments	430	400	(30)
Total pay	**36,350**	**36,620**	**270**
Non-staff costs			
Staff related costs	293	255	(38)
Consumables and equipment	1,817	1,638	(179)
Exam fees	780	753	(27)
Student related costs	177	163	(14)
Property cost	2,962	3,156	194
ICT and telephony	957	993	36
Insurance	212	212	0
Marketing	132	102	(30)
Professional fees	161	602	441
General overheads	278	358	80
Interest and charges	110	65	(45)
VAT	822	892	70
Total non-staff costs	**8,701**	**9,190**	**489**
Total Income	(44,932)	(45,997)	(1,065)
Total Expenditure	45,051	45,811	760
Non-consolidated (surplus)/deficit	**119**	**(187)**	**(306)**
Gardyne Theatre Limited deficit	65	52	(13)
Consolidated (surplus)/deficit	**184**	**(135)**	**(319)**
Loan repayment	457	457	0
Overall (surplus)/deficit	**641**	**322**	**(319)**

Appendix B

Risk	Forecast Outturn £000	Risk assessment Likelihood	Impact	Overall	Mitigating actions
Other SFC grants	(4,053)	Low	Medium	Low	There is no risk that SFC income will change
SFC credit income	(32,261)	Low	Low	Low	Our credit target is expected to be achieved, though final FES figures have yet to be audited. The current projection is 96,799 credits which is within our 2% leeway of the 98,307 target. There is no risk that this income will change.
Tuition fee income	(2,621)	Medium	High	Medium	Student and company debt outstanding at 31 July 2026 is £273k. This is a reduction of £73k compared to 30 June 2026.
Non-core income	(4,476)	Low	Low	Low	There is a small risk of movement as final checks of final accounts entries are not yet complete
Catering and other income	(2,587)	Low	Low	Low	There is a small risk of movement as final checks of final accounts entries are not yet complete
Staff pay	36,620	Medium	Medium	Low	There is a small risk of movement as final checks of final accounts entries are not yet complete
Property costs	3,156	Low	Low	Low	Final accounts work on capitalisation of assets has yet to be completed. The balance of capitalised assets is therefore still estimated. There is a small risk of movement, pending final checks.
Non-pay expenditure, excluding property	6,034	Low	Low	Low	There is a small risk of movement as final checks of final accounts entries are not yet complete

Agenda Item 11.2

BOARD OF MANAGEMENT

Tuesday 29 September 2026

MEMBERSHIP UPDATE

PAPER I

BOARD OF MANAGEMENT

Tuesday 29 September 2026

Membership Updates

Paper for noting

1. Purpose

1.1 This paper updates the Board on changes to its membership between December 2026 and April 2027. It sets out the plan for appointing, electing and inducting the members who will join the Board over the same period.

2 Recommendations

2.1 The Board is asked to:

(a) note the three members whose terms of office end between 31 December 2026 and 30 April 2027, and the effect on the Board's committees (sections 4 and 5);

(b) endorse the single recruitment round for three board-appointed members and the profiles at paragraph 6.3;

(c) approve the approach of co-opting a member with finance, audit and risk experience to the Audit and Risk Committee;

(e) approve initial terms of different lengths for the new board-appointed members, so that their terms do not all end on the same date; and

(g) ask the Chairs Committee to bring forward proposals for committee chairs, committee membership and the Senior Independent Member ahead of the changes.

3 Background

3.1 Terms of office are set by Schedule 2 to the Further and Higher Education (Scotland) Act 1992. A board-appointed member holds office for the period in their terms of appointment, up to a maximum of four years (paragraph 5(2)(c)). The Board may extend an appointment once, for a further period of up to four years, with the approval of the Chair and Scottish Ministers (paragraph 5(2B)). An extension takes effect only once Ministers have approved it.

3.2 Elected staff members hold office for four years (paragraph 5(2)(a)). Their terms cannot be extended, but a member whose term ends may stand for election again.

3.3 Schedule 2 requires the Board to have between 15 and 20 members. When appointing members, the Board must have regard to Scottish Ministers' guidance on college sector board appointments, which asks boards to assess the skills they need before recruiting and to run a fair and open process.

4 Members whose terms end

4.1 Members reach the end of their current terms between December 2026 and March 2027.

Member	Category	Roles	Committees	Term ends
Helen Honeyman	Board-appointed	Chair, Audit and Risk Committee	Audit and Risk Learning, Teaching and Quality	31 December 2026
Neil Lowden	Board-appointed	Chair, Learning, Teaching and Quality Committee	Learning, Teaching and Quality People, Culture and Wellbeing	31 December 2026
Donald Mackenzie	Board-appointed	Chair, People, Culture and Wellbeing Committee Senior Independent Member	People, Culture and Wellbeing Finance and Infrastructure	31 March 2027

4.2 Helen Honeyman, Neil Lowden and Donald Mackenzie were appointed in 2019 and will each have served eight years when their current terms end. Each appointment has already been extended once, so the extension power in paragraph 5(2B) is not available again. Between them they have chaired three of the Board's committees, and the Board may wish to record its thanks for their contribution.

5 Effect on the Board and its committees

5.1 Every committee loses at least two members, and three committees need a new chair. As the Chairs Committee is made up of the Chair and the committee chairs, its membership also changes.

Committee	Members leaving	Chair
Audit and Risk	Helen Honeyman	New chair needed from 1 January 2027
Learning, Teaching and Quality	Helen Honeyman and Neil Lowden	New chair needed from 1 January 2027
People, Culture and Wellbeing	Neil Lowden and Donald Mackenzie	New chair needed from 1 April 2027
Finance and Infrastructure	Donald Mackenzie	Chair continues
Chairs Committee	Helen Honeyman, Neil Lowden, Donald Mackenzie, as committee chairs	Chair continues; membership follows the new committee chairs

5.2 The Senior Independent Member role also needs to be filled from 1 April 2027.

5.3 The departing members bring experience in risk and governance, human resources and organisational development, corporate communications, and educational management and policy, as well as the teaching staff perspective. Two members with human resources experience leave within three months of each other. Finance, audit and risk experience was also identified as a priority in the 2025 recruitment round.

5.5 The Code of Good Governance requires a majority of Audit and Risk Committee members to be non-executive, and staff members do not count towards that majority. It also expects at least one member to have recent relevant financial or audit experience. The committee's membership will be checked against both requirements for 1 January and 1 April 2027, and any change needed will be made from existing non-executive members, as a co-opted member may not count towards the majority.

6 Plan for new members

6.1 **Board-appointed members.** The three seats will be filled through one recruitment round rather than separate campaigns. The Chairs Committee acts as the nominations body. An independent panel member with no connection to the College takes part in setting the criteria and assessing candidates, in line with Ministers' guidance. Penny Muir, Board Administrator, is the named contact for applicants. Recommended candidates will come to the Board for approval and then go to Scottish Ministers.

6.3 The round will seek three profiles. Corporate communications experience is not proposed as a separate profile, but can be taken into account when assessing candidates.

Profile	Why the Board needs it
Finance, audit and risk	Identified as a priority in the 2025 round, and needed to support the Audit and Risk Committee, including its future leadership
Human resources, people and organisational development	Replaces the human resources experience leaving the Board, with an emphasis on organisational development and culture
Education, learning and skills	Brings independent challenge on learning, teaching and quality. This need not be limited to further education, as experience from schools, higher education or employers may add a useful outside view

6.4 For all three profiles, an interest in governance is essential and experience in education or human resources is preferred. Previous board experience is desirable, and the materials make clear that applicants without it are welcome to apply.

6.5 Ministerial approval normally takes several weeks, so the new board-appointed members are unlikely to be in office on 1 January 2027. The arrangements for committee chairs and membership at section 7, and the co-option to the Audit and Risk Committee, are intended to cover this period.

6.6 **Co-option to the Audit and Risk Committee.** Co-opted committee members do not need Ministerial approval, which makes this the quickest way to add finance, audit and risk experience. The committee's terms of reference will be checked to confirm the basis for co-option, and a short targeted advert will run through professional networks and the College website. Board approval will be sought so that the co-opted member can join before the end of 2026.

7 Committee chairs and the Senior Independent Member

7.1 New members need time to become familiar with the College before chairing a committee, so the new chairs will come from existing members. New members will then join committees in their place.

7.2 The Chairs Committee will bring proposals to the Board for:

(a) the chairs of the Audit and Risk Committee and the Learning, Teaching and Quality Committee, and any change to Audit and Risk Committee membership needed under paragraph 5.5, from 1 January 2027;

(b) the chair of the People, Culture and Wellbeing Committee and the Senior Independent Member, from 1 April 2027; and

(c) committee membership once the new members are in post, taking account of any seats left open by members moving into chair roles.

7.3 The Senior Independent Member leads the Chair's annual appraisal, which will inform succession to the Chair during 2027 and 2028. The proposal for this role will take account of that timing.

7.4 Each outgoing chair will be invited to meet their successor before leaving, to hand over the committee's work plan, open actions and current risks.

8 Risks

Risk	How it is being managed
A short period in early 2027 with fewer members while Ministerial approval is awaited	Committee chairs and membership filled from existing members, specialist input through co-option, and early submission to Ministers
The Audit and Risk Committee does not have a non-executive majority or financial experience for part of the period	Membership checked for each departure date, with changes made from existing non-executive members
Experience leaves several committees at the same time	Chairs drawn from existing members, handover meetings with outgoing chairs, and a structured induction
Membership falls below the statutory minimum of 15	Numbers tracked at each change, with the position reported to the Board
The programme adds significant work to the normal meeting cycle	Phasing kept under review by the Chair and the Governance Professional, with support from the Board Administrator
Terms of new members end together in future	Staggered initial terms, and extension lengths used to spread end dates

Rachel Wall, Governance Professional

Agenda Item 11.3

BOARD OF MANAGEMENT

Tuesday 29 September 2026

STRATEGIC RISK REGISTER

PAPER J

BOARD OF MANAGEMENT
Audit and Risk Committee
Tuesday 2 June 2026

Strategic Risk Register Update

Paper for approval

1. Strategic Risk Register

A copy of the June 2026 draft Strategic Risk Register is enclosed. This is noted for approval.

2. Financial Sustainability Risk

College Risk Management practice requires that any strategic risks that remain as Major or Fundamental post mitigation will be reported to the Committee at each meeting.

Following the decision of the Board of Management in March 2022 to recommend increasing the post mitigation risk in respect of future financial sustainability, the post mitigation likelihood was increased from 3 to 4 and the overall risk rating increased to 16. This moved this risk into the Major Risk (**Red**) category, and it is unlikely that this risk will be reduced in the near future.

The need to address the impact of 20% cuts in sector funding over the past 5 years, and the need to support areas of future opportunity and development, have been the subject of on-going discussion and review with the Board and has underpinned a range of savings plans and measures.

Details of the savings plan enacted to support future financial sustainability (including the impact of this on operations) have been discussed in detail at each Board Committee and the Board meetings throughout 2025/2026. With all targeted savings achieved and impacts carried forward to the 2026/27 draft annual budget the overall financial sustainability picture is improved for the year ahead but remains challenging for future years should flat cash or below inflation financial settlements continue/ Given this, the current red risk in this item will continue for the foreseeable future.

The activities developed to address the funding cuts and financial sustainability risk cut across a range of areas, and arrangements are in place to support arrangements and minimise adverse risk in areas such as HR practice and industrial relations (Risks 3.3 and 3.7) and PR / publicity (Risk 3.5). These will remain under review, with the overall risk rolled into the higher level Financial Sustainability risk measure.

3. Reinforced Autoclaved Aerated Concrete (RAAC) Risk

An update on the most up to date picture regarding the RAAC present within the Kingsway Campus was provided for the Board in December 2025, with the RAAC present within the Kingsway tower and Construction/Engineering facilities continuing to represent a concern. All required mitigations remain in place relative to the specialist structural engineering advice received and the structural survey completed in October 2025 has not highlighted any significant change in the condition of the RAAC present within campus accommodation.

Given the passage of time since the initial three to five year timeframe was given around the need to remove the risks associated with RAAC (with these now on a one to three year timeframe) further work has been progressed to develop an alternative plan should exit be required from one or more campus facilities.

This work would require decant into commercial facilities within the city and would require additional set up costs of c£2 million and recurrent funding of c£1.3 million to support the commissioning and operation of these alternative facilities.

The pressing timeline and indicative costs have been shared with the Scottish Funding Council and Scottish Government, who are aware that – should this risk crystalise- additional emergency funding support would be necessary to mitigate the impact.

Updates have also been shared with the Board on the future infrastructure vision for the whole College estate, including future developments to remove RAAC from our estate. As this work progresses further detailed updates will be provided via the Finance and Infrastructure Committee and full Board.

The next specialist survey is due to be completed in October 2026.

4. 2025/26 Credit Activity

Close management of 2025/26 credit activity levels has been a priority given the reductions in activity to support financial sustainability. The reductions progressed in-year in 2025/26 (predominantly reductions in the normal January start programme) have impacted on the overall activity levels for the College but have been balanced out to a significant extent by the increased full-time numbers in September 2025 and some improvement in student retention. Given this, the College expects to meet its overall credit target in 2026/27 (98,307 credits) without the need to rely on the 2% lower activity threshold available to the College (96,341 credits).

National discussions with the Scottish Funding Council over sector activity levels and thresholds for 2026/2027 have not resulted in any change to the lower threshold for the sector and the College will continue to actively manage student recruitment to ensure that this is not breached and that any risk of funding ‘clawback’ is minimised.

Arrangements for future years remain under discussion nationally, including a more significant review of the funding methodology and approach.

5. Artificial Intelligence Risks

As discussed at the March 2026 meeting, the Senior Leadership team have reviewed the potential inclusion of a risk around the impact of Artificial Intelligence across a range of College activities. From this discussion it was determined that a single AI risk would not encompass the variety of areas where changes as a result of AI could have an impact and instead a number of changes have been made to pre-existing risks to include reference to AI threats as part of the risk monitoring and mitigation. This approach is felt to provide a more comprehensive coverage of AI issues, embedding them within a range of activities rather than as a standalone element.

The updates arising from this approach are included within the June 2026 document.

6. Strategic Risk Register

In addition to the changes to the Strategic Risk register to incorporate reference to AI, a number of small changes have been made as follows to update some of the terminology and reflect changes in areas such as the move from Education Scotland to the Quality Assurance Agency Scotland at this time.

Risk	Change
1.4	Updated to reflect creation of Qualifications Scotland (replacing SQA) and the role of the Quality Assurance Agency (QAA) in sector quality arrangements
1.5	Updated to refer to new Taskforce on Climate Related Financial Disclosures (TCFD) monitoring and reporting requirements
2.2	Updated to refer to the College Financial Strategy and documented assumptions
3.1	Updated to reference the revised quality framework arrangements in place through SFC and QAA
3.12	Updated to include reference to the biennial Staff Engagement Survey
3.8	Updated to incorporate reference to potential AI threats and mitigations
4.1	
4.3	
4.4	

7. Approvals

In respect of the above information approval for the following actions is sought.

- Note the updates provided and approval of the Strategic Risk Register

Author and Executive Sponsor: Steve Taylor, Vice Principal Support Services and Operations

BOARD OF MANAGEMENT
Audit and Risk Committee
Tuesday 15 September 2026

Strategic Risk Register Update

Paper for approval

1. Strategic Risk Register

A copy of the June September draft Strategic Risk Register is enclosed. This is noted for approval.

2. Financial Sustainability Risk

College Risk Management practice requires that any strategic risks that remain as Major or Fundamental post mitigation will be reported to the Committee at each meeting.

Following the decision of the Board of Management in March 2022 to recommend increasing the post mitigation risk in respect of future financial sustainability, the post mitigation likelihood was increased from 3 to 4 and the overall risk rating increased to 16. This moved this risk into the Major Risk (**Red**) category, and it is unlikely that this risk will be reduced in the near future.

The need to address the impact of long term cuts in sector funding and the need to support areas of future opportunity and development, have been the subject of on-going discussion and review with the Board and has underpinned a range of savings plans and measures.

Details of the savings plan enacted to support future financial sustainability (including the impact of this on operations) have been discussed in detail at each Board Committee and the Board meetings throughout 2025/2026. This work has supported an improved financial position in 2025/2026 as reported to the September 2026 Finance & Infrastructure Committee.

With all targeted 2025/2026 savings achieved and impacts carried forward to the 2026/2027 annual budget, the overall financial sustainability picture is improved for the year ahead but remains challenging for future years should flat cash or below inflation financial settlements continue. Given this, the current red risk in this item will continue for the foreseeable future.

The activities developed to address the funding cuts and financial sustainability risk cut across a range of areas, and arrangements are in place to support arrangements and minimise adverse risk in areas such as HR practice and industrial relations (Risks 3.3 and 3.7) and PR / publicity (Risk 3.5). These will remain under review, with the overall risk rolled into the higher level Financial Sustainability risk measure.

3. Reinforced Autoclaved Aerated Concrete (RAAC) Risk

An update on the most up to date picture regarding the RAAC present within the Kingsway Campus was provided for the Board in December 2025, with the RAAC present within the Kingsway tower and Construction/Engineering facilities continuing to represent a concern.

All required mitigations remain in place relative to the specialist structural engineering advice received and the structural survey completed in October 2025 did not highlighted any significant change in the condition of the RAAC present within campus accommodation.

The risks associated with the presence of RAAC, and the need for major infrastructure development to remove this risk are detailed throughout the College 2026 – 2036 Infrastructure Strategy and underpin the work being progressed in respect of the infrastructure Vision and the first stage of this through the Gardyne Campus Green Skills Innovation Hub development.

Given the passage of time since the initial three to five year timeframe was given around the need to remove the risks associated with RAAC (with these now on a one to three year timeframe) further work has been progressed to develop an alternative plan should exit be required from one or more campus facilities. This work would require decant into commercial facilities within the city and would require additional set up costs of c£2 million and recurrent funding of c£1.3 million to support the commissioning and operation of these alternative facilities.

The pressing timeline and indicative costs have been shared with the Scottish Funding Council and Scottish Government, who are aware that – should this risk crystalise- additional emergency funding support would be necessary to mitigate the impact.

Updates have also been shared with the Board on the future infrastructure vision for the whole College estate, including future developments to remove RAAC from our estate. As this work progresses further detailed updates will be provided via the Finance and Infrastructure Committee and full Board.

The next specialist survey is due to be completed in October 2026.

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Close management of 2025/2026 credit activity levels has been a priority given the reductions in activity to support financial sustainability. The reductions progressed in-year in 2025/2026 (predominantly reductions in the normal January start programme) have impacted on the overall activity levels for the College but have been balanced out to a significant extent by the increased full-time numbers in September 2025 and some improvement in student retention. Given this, the College expects to meet its overall credit target in 2026/27 (98,307 credits) within the 2% lower activity threshold available to the College (96,341 credits).

National discussions with the Scottish Funding Council over sector activity levels and thresholds for 2026/2027 have not resulted in any change to the lower threshold for the sector and the College will continue to actively manage student recruitment to ensure that this is not breached and that any risk of funding ‘clawback’ is minimised.

Arrangements for future years remain under discussion nationally, including a more significant review of the funding methodology and approach.

5. Artificial Intelligence Risks

As discussed at the March and June 2026 meetings, the Senior Leadership Team have updated sections of the Strategic Risk Register to strengthen pre-existing risks to include reference to AI threats as part of the risk monitoring and mitigation.

6. Industrial Relations Risk

Following discussion at the People, Culture and Wellbeing Committee it is proposed that the pre mitigation likelihood in respect of risk 3.9 be reduced. This change reflects the positive industrial relations climate in the College and the reduced risk of national industrial action following agreement of a three year pay settlement with academic staff.

7. Strategic Risk Register

Following review by the Senior Leadership Team, there are no changes proposed to the Strategic Risk Register at this time.

8. Approvals

In respect of the above information approval for the following actions is sought.

- Note the updates provided and approval of the Strategic Risk Register

Author and Executive Sponsor: Steve Taylor, Vice Principal Support Services and Operations

DUNDEE AND ANGUS COLLEGE



STRATEGIC RISK REGISTER

2025 - 2026

As at September 2026

Post Holders							
	ELT	Executive Leadership Team	Prin	Principal	**Score**	**Impact**	**Likelihood**
	SLT	Senior Leadership Team	DirC&A	Directors of Curriculum & Attainment	1	Routine	Remote
	Board	Board of Management	DirSE	Director of Student Experience	2	Minor	Unlikely
	VPSO	Vice Principal Support & Operations	DirFin	Director of Finance	3	Significant	Possible
	VPCP	Vice Principal Curriculum & Partnerships	HoE	Head of Estates	4	Major	Probable
	DirInf	Director of Infrastructure	Chair	Chair of the Board of Management	5	Critical	Very Likely

	POTENTIAL CONTRIBUTING FACTORS				**TREATMENT**	**POST MITIGATION EVALUATION**				
Risk Number & Committee	**Risks**	**Impact**	**Likelihood**	**Score**	**Mitigation Actions**	**Impact**	**Likelihood**	**Score**	**Monitoring**	**Lead Responsibility**
1 Strategic and Structural										
1.1 LT&Q	Failure of College strategy to meet the needs of the D&A Region and/or national priorities (eg Employability, DYW, attainment, articulation)	4	4	16	• Robust strategic planning • Effective environmental scanning • Strong partnerships • Clear links between strategy and practice • Concerted demands for increased activity levels	4	1	4 ↔	• Robust monitoring via OF&AM Framework • Clear performance metrics • Amendment of strategic direction/ plans • Rolling curriculum review	Principal & Chair
1.2 Board	College may be disadvantaged by changes to either UK or Scottish Government policies	4	3	12	• Effective environmental scanning • Negotiation/influence at national level	4	2	8 ↔	• Review of changes and amendment of strategic direction/plans • Financial strategy sensitivities	Principal & Chair
1.3 Board	Difficulties or over commitment arising within large scale/national College led initiatives or projects impact negatively on: • Ability of the College to meet key regional strategies/objectives • Financial loss or unmanageable financial risk • Reputational loss	4	3	12	• Effective project/activity management in place • Clear governance structures • Project/initiative finances clearly incorporated within College financial strategy and plans • End of project and exit/contingency planning	3	2	6 ↔	• Regular project updates at Executive/Board level • Monitoring of project activities, plans and outcomes • Clear Project Management arrangements in place • Budget reporting and management	Principal, VPCP

Key to Risk Estimation/Score based on scale of 1 – 5 for impact/likelihood: Blue (1-3) = Minor Risk; Green (4 – 8) = Moderate Amber (9-15) = Significant Risk; Red (16-20) = Major Risk; Purple, (>21 - 25) = Fundamental Risk. Board Risk Appetite for the above risks is assessed as Open with risks scored as major being subject to regular scrutiny and risks scored as fundamental subject to review at every meeting.

Post Holders					Score	Impact	Likelihood
	ELT	Executive Leadership Team	Prin	Principal	1	Routine	Remote
	SLT	Senior Leadership Team	DirC&A	Directors of Curriculum & Attainment	2	Minor	Unlikely
	Board	Board of Management	DirSE	Director of Student Experience	3	Significant	Possible
	VPSO	Vice Principal Support & Operations	DirFin	Director of Finance	4	Major	Probable
	VPCP	Vice Principal Curriculum & Partnerships	HoE	Head of Estates	5	Critical	Very Likely
	DirInf	Director of Infrastructure	Chair	Chair of the Board of Management			

Risk Number & Committee	POTENTIAL CONTRIBUTING FACTORS: Risks	Impact	Likelihood	Score	TREATMENT: Mitigation Actions	Impact	Likelihood	Score	POST MITIGATION EVALUATION: Monitoring	Lead Responsibility
1 Strategic and Structural (cont)										
1.4 Board	College disadvantaged as a result of changes arising from major national educational body reviews: SFC, QAS, QAA, EdS	3	3	9	• Negotiation/influence at national level • Review of activities/ projects and response to new opportunities	3	1	3 ↔	• Robust monitoring via OA • Amendment of strategic direction/ plans • Rolling curriculum review	Principal
1.5 Board	Failure of D&A plans and activities to deliver on required carbon reductions and sustainability actions necessary to meet national targets and achieve College climate emergency ambitions.	4	3	12	• Robust CEAP in place • Multiple strands of activity/action • Embedding sustainable practices in normal activity and ways of working • Clear links between strategy and practice • Planned investment in carbon reduction • Sustainable procurement	3	2	6 ↔	• Robust monitoring and reporting of CEAP at SLT and Board level • Clear performance metrics • Amendment of strategic direction/ plans • Monitoring of scope 3 emissions • Monitoring and Reporting on progress within annual accounts	VPSO, DirInf, HoE

Key to Risk Estimation/Score based on scale of 1 – 5 for impact/likelihood: Blue (1-3) = Minor Risk; Green (4 – 8) = Moderate Amber (9-15) = Significant Risk; Red (16-20) = Major Risk; Purple, (>21 - 25) = Fundamental Risk. Board Risk Appetite for the above risks is assessed as Open with risks scored as major being subject to regular scrutiny and risks scored as fundamental subject to review at every meeting.

Post Holders					Score	Impact	Likelihood
	ELT	Executive Leadership Team	Prin	Principal			
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Risk Number & Committee	POTENTIAL CONTRIBUTING FACTORS				TREATMENT	POST MITIGATION EVALUATION				
	Risks	Impact	Likelihood	Score	Mitigation Actions	Impact	Likelihood	Score	Monitoring	Responsibility
2 Financial										
2.1 F&I	Change in Funding Body and/or Funding Methodology and Allocation – Reduction or restriction in Funding	3	4	12	• Negotiation/influence at national level • Contingency plans for amended funding levels or requirements	3	2	8 ↔	• Advance modelling of new funding requirements, methodologies, and allocations • Monitoring impact of changes • Amendment of strategic or operational direction / plans • Financial strategy sensitivities	VPSO
2.2 F&I	Failure to achieve institutional sustainability	5	4	20	• Protection of funding through dialogue with SFC and SG • Input to create sector 'flexibilities' • Robust annual budget-setting and multi-year financial strategic planning • Effective budgetary control • Where required, swift action to implement savings • Clear Financial Strategy in place with documented and monitored assumptions	4	4	16 ↔	• Monthly monitoring of budgets • Regular review of financial strategy and non-core income sensitivity • Effective use of sector 'flexibilities' to support sustainability • Amendment of strategic priorities and timing to align with funding levels • Review and amendment of activity and budget planning to address over/under performance against activity (credit) target • Detailed monitoring of savings programmes • Detailed monitoring & management of CDEL/RDEL risks	VPSO

Key to Risk Estimation/Score based on scale of 1 – 5 for impact/likelihood: Blue (1-3) = Minor Risk; Green (4 – 8) = Moderate Amber (9-15) = Significant Risk; Red (16-20) = Major Risk; Purple, (>21 - 25) = Fundamental Risk. Board Risk Appetite for the above risks is assessed as Open with risks scored as major being subject to regular scrutiny and risks scored as fundamental subject to review at every meeting.

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Risk Number & Committee	POTENTIAL CONTRIBUTING FACTORS				TREATMENT	POST MITIGATION EVALUATION				
	Risks	Impact	Likelihood	Score	Mitigation Actions	Impact	Likelihood	Score	Monitoring	Lead Responsibility
2 Financial (cont)										
2.3 **F&I**	National outcomes on salaries and conditions of service outstrip ability to pay	4	4	16	• Influence within Employers Association • Management of staffing expenditures	4	3	12 ↔	• Expenditure modelling • On-going discussions with staff • Financial strategy sensitivities • Workforce planning	VPSO
2.4 **A&R**	Financial Fraud	3	3	9	• Strong financial controls: segregation of duties and review of transactions. • Review of impact of any changes in structure or duties • Whistleblowing arrangements	2	2	4 ↔	• Continuous review of financial controls • Internal Audit programme	VPSO
2.5 **F&I**	D&A Foundation refuses/withholds funding for key College priorities	5	3	15	• On-going dialogue with Foundation Trustees • Appropriate bid arrangements in place	3	2	6 ↔	• Monitor and advise Board of Management	Prin & VPSO
2.6 **F&I**	Demands of capital developments / maintenance impacts on financial sustainability or delivery of learning and/or services	4	4	16	• Multi-year estates strategy and capital planning • Lobbying of SFC on capital and backlog maintenance funding • Planning for D&A Foundation bids	4	3	12 ↔	• Monitoring of capital plans and expenditures • Regular review of capital plans/timescales relative to funds	VPSO

Key to Risk Estimation/Score based on scale of 1 – 5 for impact/likelihood: **Blue** (1-3) = Minor Risk; Green (4 – 8) = Moderate Amber (9-15) = Significant Risk; Red (16-20) = Major Risk; Purple, (>21 - 25) = Fundamental Risk. Board Risk Appetite for the above risks is assessed as Open with risks scored as major being subject to regular scrutiny and risks scored as fundamental subject to review at every meeting.

Post Holders					Score	Impact	Likelihood
	ELT	Executive Leadership Team	Prin	Principal	1	Routine	Remote
	SLT	Senior Leadership Team	DirC&A	Directors of Curriculum & Attainment	2	Minor	Unlikely
	Board	Board of Management	DirSE	Director of Student Experience	3	Significant	Possible
	VPSO	Vice Principal Support & Operations	DirFin	Director of Finance	4	Major	Probable
	VPCP	Vice Principal Curriculum & Partnerships	HoE	Head of Estates	5	Critical	Very Likely
	DirInf	Director of Infrastructure	Chair	Chair of the Board of Management			

Risk Number & Committee	POTENTIAL CONTRIBUTING FACTORS				TREATMENT	POST MITIGATION EVALUATION				
	Risks	Impact	Likelihood	Score	Mitigation Actions	Impact	Likelihood	Score	Monitoring	Lead Responsibility
2 Financial (cont)										
2.7 F&I	Failure to reach aspirational standards in financial strategy, budgeting, planning or audit	4	3	12	• Clear financial strategy aligning to College priorities and FFR • Appropriate zero based budgeting in place • Regular, timeous and accurate budget monitoring • Effective audit planning and completion	3	2	6 ↔	• Regular review of financial priorities to align / realign with available funds • Comprehensive monitoring and reporting of all finances • 'Real time' budget and data analysis underpins decision making • Effective audit planning and completion	VPSO DirFin

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	POTENTIAL CONTRIBUTING FACTORS				TREATMENT	POST MITIGATION EVALUATION				
Risk Number & Committee	**Risks**	**Impact**	**Likelihood**	**Score**	**Mitigation Actions**	**Impact**	**Likelihood**	**Score**	**Monitoring**	**Lead Responsibility**
3 People and Performance										
3.1 **LT&Q**	Failure to reach aspirational standards in learning, teaching, and service delivery	4	3	12	• Clear quality arrangements and priority actions • Continuous self-evaluation and action planning • Rigorous CPD arrangements in place • Regular classroom observation and learner feedback arrangements	2	2	4 ↔	• Comprehensive monitoring of key PIs and student/staff feedback • Regular Stop and Review events • External review and validation findings • Rolling programme of Institution Led Quality Reviews (ILQR)	VPCP, VPSO DirC&A
3.2 **LT&Q**	Failure to achieve/maintain compliance arrangements, e.g. contracts; awarding bodies; audit.	4	3	12	• Robust strategic planning and monitoring • Effective environmental scanning • Strong partnerships • Clear links between strategy and practice • Concerted demands for increased activity levels	2	2	4 ↔	• Effective internal monitoring/review/verification arrangements • External review findings	VPCP, VPSO
3.3 **A&R**	Legal actions; serious accident; incident or civil/criminal breach	4	4	16	• Adherence to legislative and good practice requirements • Positive Union relations and staff communication • Effective management development programmes	3	2	6 ↔	• Monitoring and reporting in key areas – eg H&S, equalities, employee engagement • Continuous professional development • Internal audit programme • Staff surveys	Prin, VPSO, HoE

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Risk Number & Committee	POTENTIAL CONTRIBUTING FACTORS				TREATMENT	POST MITIGATION EVALUATION				
	Risks	Impact	Likelihood	Score	Mitigation Actions	Impact	Likelihood	Score	Monitoring	Lead Responsibility
3 People and Performance (cont.)										
3.4 P,C&W	Failure to meet the aspirational standards in respect of the health, safety, wellbeing and development of staff and students	4	4	16	• Clear and proactive approaches to managing and promoting health, safety, and wellbeing • Continuous self-evaluation and action planning • Rigorous CPD arrangements in place • Regular staff and learner feedback arrangements	3	2	6 ↔	• Regular employee engagement monitoring • Open communication with staff • Comprehensive monitoring of key PIs and student/staff feedback • Regular union/management dialogue	VPSO
3.5 Board	Reputational Risk – Loss of reputation with key stakeholders	4	2	8	• Marketing strategy • Reputation plan • Positive marketing approaches	3	2	6 ↔	• Stakeholder engagement • Social media monitoring arrangements	VPCP, DirC&A
3.6 P,C&W	National bargaining outcomes impact adversely on College operations, activity, and flexibility	4	4	16	• Influence within Employers Association • Management of bargaining outcomes and implementation	4	3	12 ↔	• Positive union relations and staff communication • On-going discussions with staff • Innovation in approaches	VPSO, VPC&A

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3 People and Performance (cont.)										
3.7 **P,C&W**	Industrial Relations Problems (including industrial action) **Pre mitigation likelihood reduced given changed circumstances**	4	3	12 ↓	• Adherence to legislative and good practice requirements • Positive Union relations and staff communication • Effective management development programmes • Industrial action continuity planning	4	2	8 ↔	• Regular union/management dialogue • Regular employee engagement monitoring • Open communication with staff • Industrial action continuity planning	VPSO
3.8 **A&R**	Significant Breach of data security / data protection	5	4	20	• Effective management of GDPR compliance • Mandatory staff CPD and awareness raising on data protection (relative to role) • Awareness and monitoring of risks associated with Artificial Intelligence	4	2	8 ↔	• Active data protection monitoring and auditing • Effective information and data security policies in operation • Regular data security monitoring/testing • GDPR Action Plan • Staff CPD • AI awareness and CPD	VPCP, DirInf
3.9 **P,C&W**	Failure to meet Prevent and related counter terrorism obligations	5	3	15	• Prevent training • Staff awareness and contingency planning • Engagement/practice sharing with local agencies	5	1	5 ↔	• Business Continuity Plan including scenario testing • Information sharing with local agencies	VPCP, VPSO

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Risk Number & Committee	POTENTIAL CONTRIBUTING FACTORS: Risks	Impact	Likelihood	Score	TREATMENT: Mitigation Actions	POST MITIGATION EVALUATION: Impact	Likelihood	Score	Monitoring	Lead Responsibility
3 People and Performance (cont.)										
3.10 **P,C&W**	College arrangements do not minimise risk associated with Modern Slavery	4	2	8	• Clear and compliant procurement arrangements and procedures • Staff identity checking arrangements and use of PVG.	3	1	3 ↔	• Annual procurement monitoring/reporting • Regular employee engagement monitoring • Open communication with staff	VPCP, VPSO
3.11 **Board**	Failure to plan or respond adequately to future pandemic illness.	5	3	15	• Monitoring and rapid response to WHO and UK/Scottish Government information and alerts • Maintenance of COVID-19 good practice approaches to inform future use • Effective business continuity planning in place	4	2	8 ↔	• Pandemic readiness / response included in business continuity plan reviews and testing • COVID/Pandemic Response Group in place • Active monitoring and rapid adoption of pandemic guidance / control measures	Principal

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3 People and Performance (cont.)										
3.12 **P,C&W**	Failure to attract, engage, retain or develop appropriately qualified staff.	4	3	12	• Clear People Strategy and Workforce Planning in place • Positive Union relations and staff communication • Effective management development & CPD programmes • Positive recruitment approaches and monitoring • Regular staff engagement surveys & actions	4	1	4 ↔	• Absence & turnover monitoring • Exit interviews • Regular staff surveys & survey responding • Monitoring and responding to staff concerns, union issues and employee relations concerns • Regular staff engagement surveys & actions	VPSO

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	Risks	Impact	Likelihood	Score	Mitigation Actions	Impact	Likelihood	Score	Monitoring	Responsibility
4 Infrastructure										
4.1 A&R	Major Disasters – eg Fire, MIS Failure, Failure of Emergency Procedures, RAAC or similar infrastructure failure	5	3	15	• Sound systems of administration • Clear fire and disaster recovery arrangements • Staff CPD • Awareness and monitoring of risks associated with Artificial Intelligence	5	1	5 ↔	• Business Continuity Plan including scenario testing	Principal, VPSO, DirInf
4.2 F&I	Failure to achieve ambitions of Digital strategy; strategy and development is ineffective	4	3	12	• Planning, careful phasing of changes to processes and systems • Effective management of ICT arrangements • Clear investment plan	3	2	6 ↔	• Regular review/reporting on milestones, systems effectiveness etc • Regular CPD	VPSO, DirInf
4.3 A&R	Significant breach of ICT/Cyber security resulting in loss of service sufficient to impact College student / staff outcomes	4	3	12	• Effective management of ICT arrangements • Active ICT/data security monitoring and cyber security policy • Awareness and monitoring of risks associated with Artificial Intelligence	4	2	8 ↔	• Staff CPD on cyber security issues • Regular security monitoring/testing • Cyber resilience plan • Awareness and monitoring of AI risks & risk sophistication	VPSO, DirInf

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Risk Number & Committee	POTENTIAL CONTRIBUTING FACTORS				TREATMENT	POST MITIGATION EVALUATION				
	Risks	Impact	Likelihood	Score	Mitigation Actions	Impact	Likelihood	Score	Monitoring	Responsibility
4 Infrastructure (cont)										
4.4 A&R	ICT infrastructure fails to support effective data security / data protection	5	3	15	• Effective infrastructure and systems design and implementation • Effective management of ICT arrangements and GDPR compliance • Awareness and monitoring of risks associated with Artificial Intelligence	4	2	8 ↔	• Active data protection monitoring and auditing • Effective information and data security policies in operation • Regular data security monitoring/testing • Awareness and monitoring of AI risks & risk sophistication	VPSO, DirInf
4.5 F&I	Lack of investment in ageing / beyond serviceable life infrastructure (inc RAAC, Asbestos and M&E failure concerns) impacts on financial sustainability and/or delivery of learning and/or services	4	5	20	• Creation of long-term infrastructure principles and vision • Multi-year estates strategy and capital planning • Lobbying of SG and SFC on capital and backlog maintenance funding • Identification of alternative funding routes • Planning for D&A Foundation bids	4	4	16 ↔	• Lobbying of SG, SFC and UK Gov on campus vision and needs • Prioritisation of capital plans and expenditures • Regular review of capital plans/timescales relative to funds	Principal VPSO

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Agenda Item 11.4

BOARD OF MANAGEMENT

Tuesday 29 September 2026

BOARD METRICS

PAPER K

BOARD OF MANAGEMENT

Tuesday 6 October 2026

Board Metrics

Paper for information

1 Introduction

This paper outlines a series of standardised Board Metrics as discussed and agreed at previous meetings.

2 Board Metrics Report

To ensure that there is clear visibility of data and progress the following series of clear metrics is produced for consideration at each Board meeting. These metrics link together a number of data sources into a single high level Board report to provide high level indications of College performance. The further detail in each case should rest with the relevant Committee, or be part of the operational activities of the College. In this way, the metric report should supplement, rather than replace, the range of current information provided to the Board and its Committees.

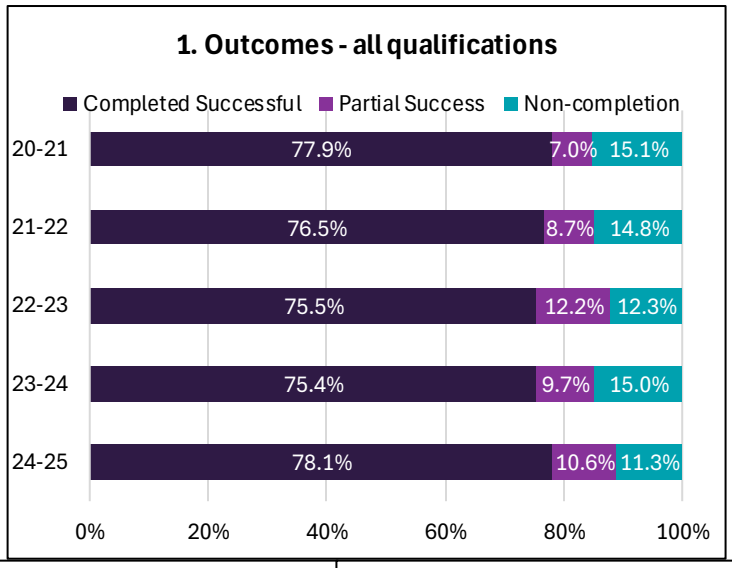
3 Link to Strategic Risk Register

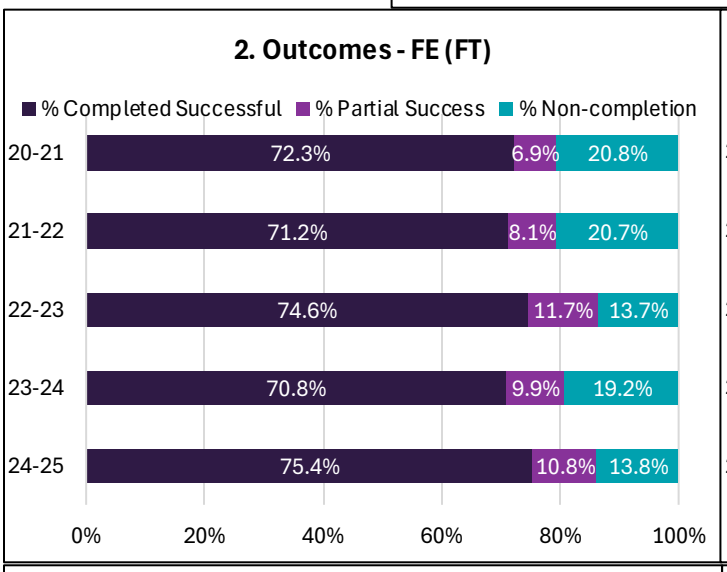
Information in this report is intended to provide Board members with reassurance that actions and activities are being progressed and addressed that support the mitigation of a range of risks identified within the Strategic Risk Register namely;

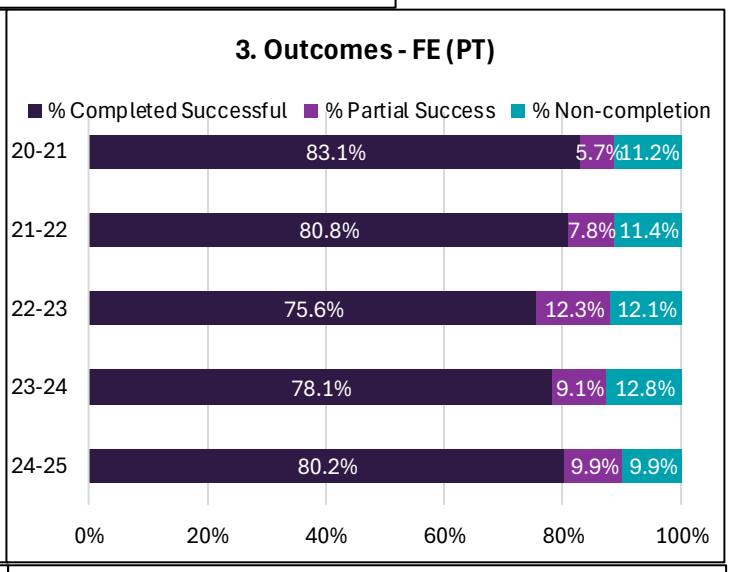
1.1 – Failure of College strategy to meet the needs of the D&A Region and/or national priorities (e.g. Employability, DYW, attainment, articulation)
2.2 – Failure to achieve institutional sustainability
3.1 – Failure to reach aspirational standards in learning, teaching and service delivery
3.3 – Legal actions; serious accident; incident or civil/criminal breach
3.4 – failure to meet aspirational standards in respect of the health, safety, wellbeing and development of staff and students

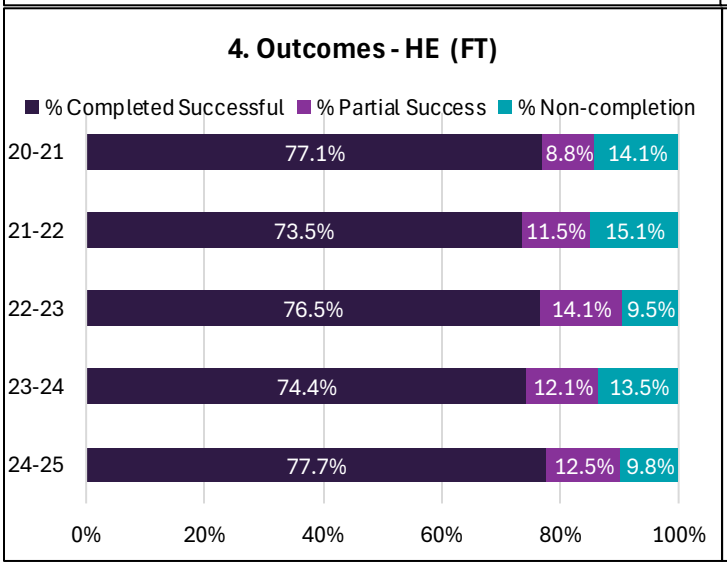
Author Kenny Stewart, Data Analyst
Executive Sponsor: Steve Taylor, Vice Principal Support Services and Operations

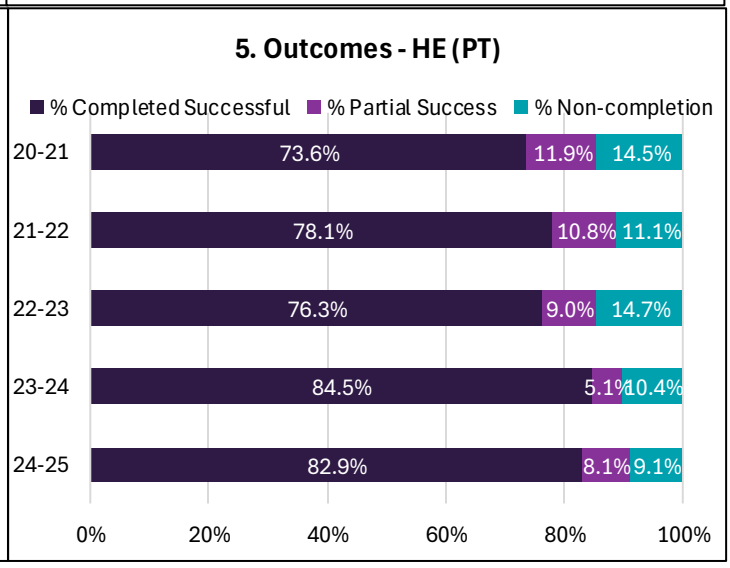
Performance Indicators



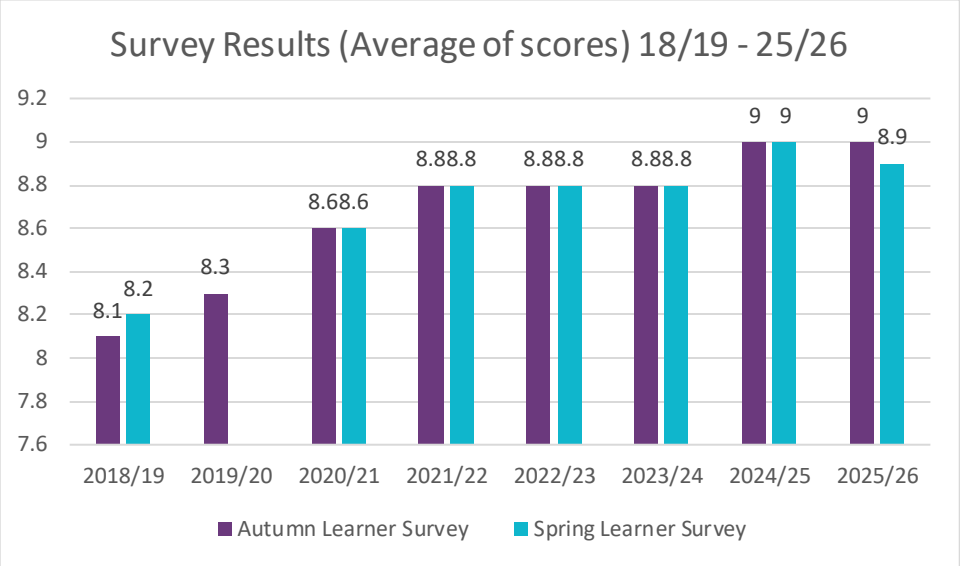








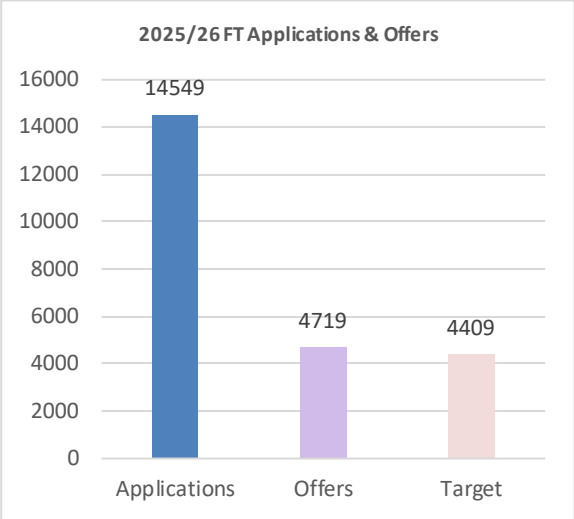
Student Survey Results

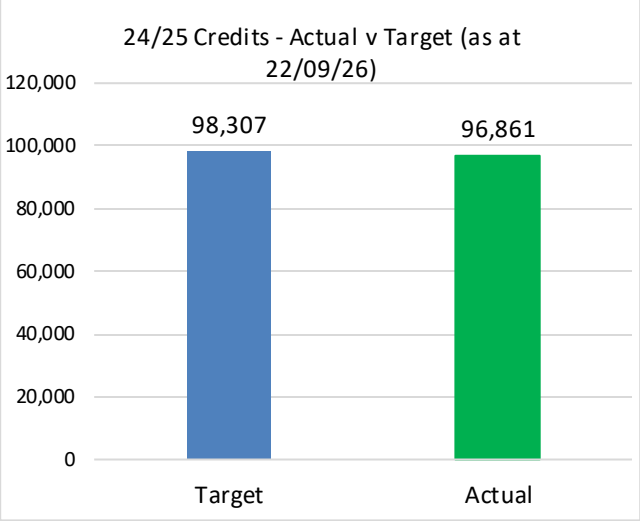


Note: The 2019/20 L&T Survey was not completed. The Learner Survey is now scored out of 5 but the results are scaled up to be consistent with prior years. The overall 2025/26 Autumn survey score was 9 (4.5 out of 5).

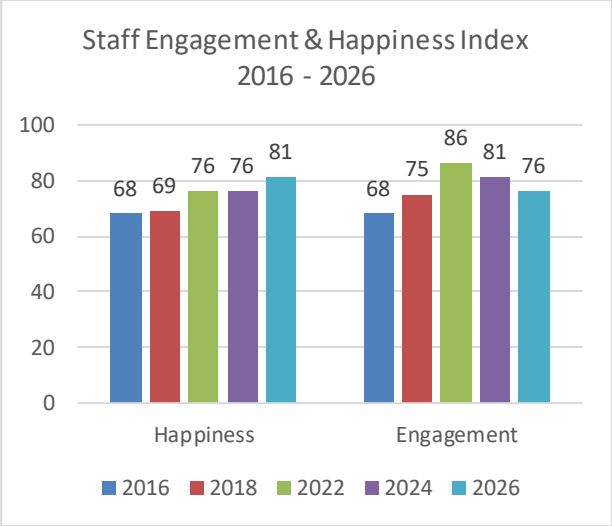
SFC Student Satisfaction & Engagement Survey – Positive response rate

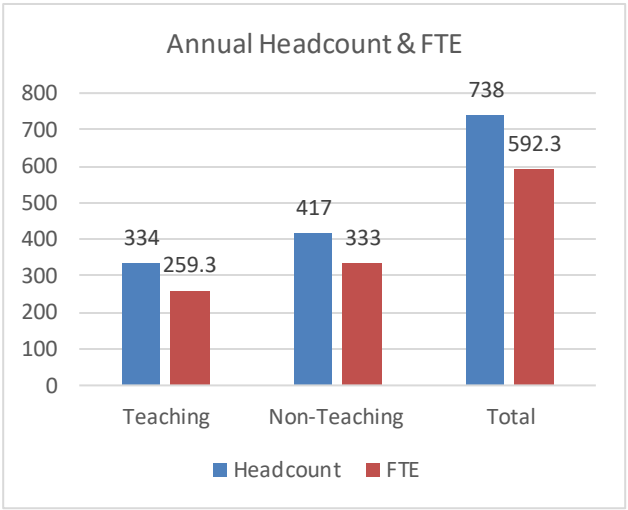
SSES	D&A	National
Overall Satisfaction 2020/21	92.4%	85.9%
Overall Satisfaction 2021/22	96.3%	90.2%
Overall Satisfaction 2022/23	96.7%	93.4%
Overall Satisfaction 2023/24	97.2%	92.1%
Overall Satisfaction 2024/25	97.9%	94.8%
Overall Satisfaction 2025/26	96.7%	94.2%





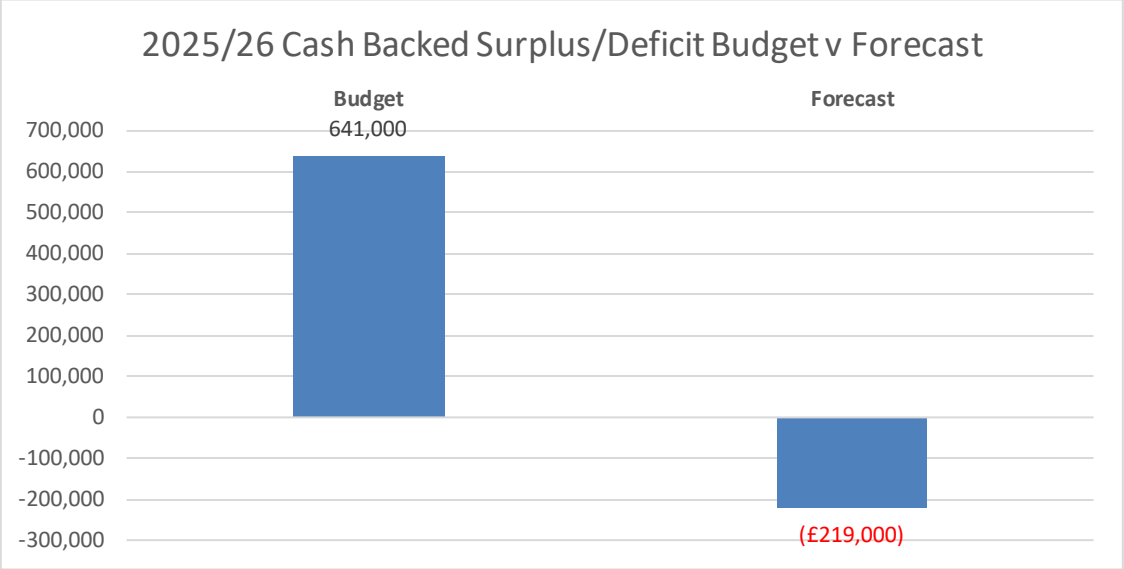
Staff – Engagement and Happiness Index, FTE & Headcount and Absence





	Staff Absence Rolling Year to 31/04/26	Staff Absence Rolling Year to End of Last Quarter
Average working days lost per sick headcount	**8.04 days**	**8.56 days**
Working time lost	**1.52%**	**4.33%**
Comparison with sector/national rates UK All Sector rate (CIPD 2016) UK Public Sector rate (Unison 2016)	3.3% (3.4% CIPD 2023) 3.4%	

Finance – Surplus/Deficit v Planned Budget out-turn



	2025/26	2024/25	2023/24
RIDDOR – Reportable Accidents	3	1	7

DateTime	Role	Location	AINM Details	AI_InjurySymptom
26/01/2026	Student	Arbroath	whilst doing various knife cuts IP cut the tip of her finger. I ensured she was ok which she assured me she was, I then checked her finger over and as the bleeding wasn't stopping I asked for the first aider to come and have a second opinion. Staff advised as the bleeding was not stopping to get a little check from the hospital. IP went to the hospital with staff and returned with the finger covered up and a little glue applied to the tip of the finger. I again checked to see if she was ok and she assured me she was fine.	Cut
09/02/2026	Student	Kingsway	Whilst the IP was using an electrical stripping knife to strip the sheaf from PVC steel wire armour cable as part of his course studies he cut the tip of his thumb. The investigation identified that the IP was not wearing his PPE (gloves) for the task which resulted in him cutting his thumb. The IP has been re-instructed on the importance of wearing PPE (Gloves) whilst using an electrical stripping knife as per risk assessment.	Cut
10/02/2026	Student	Kingsway	Whilst the IP was using a cook's knife to cut lettuce on chopping board as part of his course studies he cut the tip of his thumb. The investigation identified that the IP misplaced his thumb accidentally while cutting through the lettuce at a fast speed which resulted in him cutting through his thumb at an angle and will receive re-instruction on the safe use of cooks knives.	Cut

2025/26	Completed	Planned
Audits Completed v Planned	3	5

* Two audits, Student Funding and Credit Activity, are scheduled as usual to be completed in Aug/Sept with these reported at the December A&R meeting

Agenda Item 11.5

BOARD OF MANAGEMENT

Tuesday 29 September 2026

MODEL CODE OF CONDUCT

PAPER L

BOARD OF MANAGEMENT
Tuesday 29 September 2026

Model Code of Conduct

Paper for approval

Executive summary

What has happened.

The Standards Commission for Scotland has updated its Guidance on the Model Code of Conduct. The new version took effect on 1 June 2026. The Guidance explains how the Code should be applied. It does not change the Code itself.

What has not changed.

The Model Code of Conduct, set by the Scottish Ministers, has not changed since December 2021. The College's own Code of Conduct, approved by the Board on 16 March 2022, already follows it. Members' obligations are therefore the same as before.

What members need to know.

The main points in the updated Guidance are:

- reimbursed expenses no longer need to be registered;
- members should think more widely about non-financial interests, such as community groups, advocacy bodies and sports clubs;
- reacting to or tagging social media posts can be seen as endorsing them;
- when raising a concern for a student or member of the public, members should not chase the same matter repeatedly or direct staff;
- anyone can complain to the Ethical Standards Commissioner, even if they were not affected by the conduct.

What the Board is asked to do.

The Board cannot change the Guidance and is not asked to approve it, only to note it. The Board is asked to approve six practical actions:

1. circulate the Guidance and the new advice note for college board members;
2. update the induction pack;
3. cover the changes at the next development session;
4. invite members to review their register of interests;
5. share the Advice Note for Chairs;
6. review the College's Code of Conduct.

Any changes to the College's code would need the Scottish Ministers' approval.

STANDARDS COMMISSION FOR SCOTLAND

INTEGRITY IN PUBLIC LIFE

MODEL CODE OF CONDUCT GUIDANCE

~~**28 March 2025**~~**1 June 2026**

Redline comparison: Guidance 2025 v1 (28 March 2025) to Guidance 2026 v1 (1 June 2026). Deletions struck through in red; insertions underlined in blue.

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GUIDANCE ON THE MODEL CODE OF CONDUCT

SECTION 1: INTRODUCTION TO THE CODE OF CONDUCT

The Model Code of Conduct (Code) required by the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act) was most recently reviewed and re-issued in 2021. It sets out the principles and rules governing the conduct of members of devolved public bodies. Your public body's code of conduct is based on this Code. Therefore, all subsequent references to the Code in this Guidance should be understood as references to the Code as adopted by your public body. A copy of the Model Code can be found at: https://www.standardscommissionscotland.org.uk/codes-of-conduct/members-model-code-of-conduct.

This Guidance has been produced by The Standards Commission for Scotland (Standards Commission) and contains case illustrations (some of which are based on cases from Scotland, Northern Ireland and Wales, and some of which are hypothetical) and examples of factors that members of devolved public bodies (members) may wish to consider when applying the requirements of the Code. In cases where a provision of the Code mirrors that contained in the Councillors' Code of Conduct, examples of complaints concerning councillors have been included.

Members should be mindful, when seeking to apply the Code to their own situation or circumstances, that the lists of factors in the Guidance and examples provided are not exhaustive. All members have a personal responsibility to ensure that they comply with the provisions of the Code.

While members should observe any guidance from the Standards Commission, it is not a substitute for the Code. The purpose of the Guidance is to provide supplementary information to aid members in interpreting the Code. Members are, therefore, obliged to ensure they have read and understood the provisions of the Code itself. Reading the Guidance should, in no way, be considered a substitute for doing so.

This document is a standalone version of the Guidance, without the Code embedded. It is intended to provide easy access to the Guidance itself.

The Standards Commission will continue to review the Guidance on a regular basis to ensure it is relevant and fit for purpose. As such, any feedback, comments, suggestions for improvements and further hypothetical cases are welcome.

Guidance

1 The Code, on which your public body's code is based, was approved by the Scottish Parliament and issued on 7 December 2021.

2 This Guidance is effective from ~~28 March 2024~~ 1 June 2026 and replaces all previous versions.

3 This Guidance is for members of devolved public bodies, and is also directed at advisory and co-opted members who sit on, or attend, any meetings (including committee meetings) of the public body. However, it should be noted that the Standards Commission has no legal powers to enforce the provisions of the Code against anyone other than those appointed or elected to be members of the devolved public bodies listed in Schedule 3 of the 2000 Act.

4 Public body boards comprise of individuals who are appointed, elected or nominated to the board in question in different ways, including individuals who are appointed, elected or nominated by virtue of being:

- a councillor (such as an elected member nominated or appointed by the council as a member of a regional transport partnership);

- a member of another public body (such as a health board member nominated or appointed by the health board as a member of a health and social care integration joint board)
- a student or member of a trade union (of a college sector board);
- a chair of an assigned college (of a college regional strategic body);
- a service user, stakeholder or voluntary sector member (of a health and social care integration joint board);
- a member of staff; and
- an ex officio member (being someone who is a member by virtue of holding another post (such as an individual who is a member of a health and social care integration joint board by virtue of a post they hold within the NHS).

5 By accepting your appointment as a board member, you have accepted that you are obliged to comply with the Code. The aim of this Guidance is to provide supplementary information to help you do so. It should be noted that all members of the board are required to comply with the Code, regardless of how they have become a member (i.e. by election, appointment or nomination).

6 The Code is not designed to restrict you; its purpose is to help you meet the required standards of conduct.

7 Public bodies should make arrangements to deliver training and induction sessions on the ethical standards framework and should encourage all their members and senior employees to attend, and, where possible, keep a record of attendance. Subject to resource limitations, the Standards Commission can support any such training and induction programme. Any request for assistance or support should be directed to the Standards Commission's Executive Director.

When the Code Applies

8 The Scottish public has an expectation that members of public bodies will conduct themselves in accordance with the Code and the nine key principles of public life, as outlined in Section 2. You must, therefore, comply with the provisions of the Code in all situations and at all times where you are acting as a ~~member,~~ member of your public body, have identified yourself as a member, or could objectively be considered to be acting as a member.

9 The Code does not apply to your private and family life. In determining whether the Code applies, the Standards Commission will consider whether a member of the public, with knowledge of the relevant facts, would reasonably consider that you were acting as a member of your public body at the time of the events in question.

10 It should be noted the Code will apply when you are engaging in online activity, including using social media, if you could reasonably be considered or perceived to be acting as a member of your public body. The Code does not prevent you from expressing views (including making political comment) provided you do so in a way that is compatible with the substantive provisions of the Code, being Sections 3- 6 inclusive. This includes the requirements to behave with courtesy and respect and to maintain confidentiality.

11 It may be helpful, in certain circumstances, to state that you are expressing your own personal view, rather than ~~the~~ a view on behalf of your public body. You should, however, always be mindful of how you could reasonably be perceived when doing so and whether your comments could objectively be considered as reflecting the views of your public body, regardless of any statement about it being a personal comment. It can be very difficult to persuade people that you can take a different view, or even have an open mind, in your capacity as a member of a public body from a view you may have expressed in your personal capacity. This is particularly

pertinent in respect of using social media, or commenting in the press, where the separation of public and private comments may be unclear to someone reading them, and where information about your membership of the public body may be readily available online or from different sources (including your public body's website).

12 ~~For~~ By way of an example, if a college member posted a comment on social media to the effect that the college was underperforming, the staff were useless and the Chief Executive should resign, it is unlikely that the inclusion of words to the effect that it was a "personal comment" would bring the matter outwith the scope of the Code. That is because it would be likely that a member of the public reading the post, with knowledge of the relevant facts (being the individual's status as a member and the subject matter), would understand it to have been made by the individual in that capacity as board member of the college and with the knowledge they had gained as such.

13 Another example could be where a member, who has stated in their social media account profile that they are on the board of their public body, 'likes' or reposts a comment from another individual's account describing the service provided by their public body as being substandard and unacceptably poor. While the post in question was not written by the member, the fact that they have chosen to repost or 'like' it, in circumstances where they are identifiable as a member, could be seen as them being supportive of the criticism in their capacity as such. However, the fact that complainers or witnesses to any conduct may be aware that you are a member is not in itself sufficient for the Code to be engaged.

~~**13** Another example could be where a member, who includes being on the board of their public body in their Twitter profile, retweets a post which contains a description of the service provided by their public body as being substandard and unacceptably poor. While the post in question was not written by the member, the fact that they have chosen to retweet in circumstances where they are identifiable as a member, could be seen as being supportive of the criticism in their capacity as such.~~

Your Responsibilities

14 As a board member, you have a responsibility to ensure the effective governance and financial management of your public body within the context of public service delivery and reform for the benefit of the Scottish public.

15 You should attend any training and induction sessions on ethical standards and should ensure you are familiar with, and understand, the provisions and principles of the Code, this Guidance, and any other guidance and advice notes issued by the Standards Commission. You may wish to discuss training and continuous professional development with the Chair of your public body when you are appointed and during any annual performance discussion.

16 It should be noted, in terms of the Standards Commission's Policy on the Application of Sanctions, ignoring advice ~~and /~~ or training opportunities that could have prevented a contravention of the Code may be considered an aggravating factor by the Standards Commission when deciding on the appropriate sanction to be applied, following a breach finding.

17 Although it is ultimately your personal responsibility to comply with the Code, paragraph 1.9 of the Code makes it clear that if you are uncertain about how the Code should be interpreted and applied, you should seek advice. Your public body will have a Standards Officer. This is an employee who is either solely, or jointly, responsible for undertaking various duties and responsibilities related to the ethical standards framework (regardless of whether or not they have the formal title of Standards Officer). The Standards Commission has produced an Advice Note on the Role of a Standards Officer, which can be found at:

https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

18 The Standards Officer and other senior employees may have experience of dealing with queries relating to the Code and can give you advice. You may also wish to seek advice from the Chair or an experienced colleague. If applicable, you may also wish to refer to the Scottish Government's 'On Board' Guidance, which can be found at: ~~https://www.gov.scot/publications/board-guide-members-statutory-boards/.~~https://www.gov.scot/publications/board-guide-members-statutory-boards-2/

19 As it is your personal responsibility to comply with the Code, the fact that you may have sought, and then followed such advice would not be a defence ~~to a breach of the Code; however a~~ against an allegation you have breached its provisions. A discussion with the Standards Officer or Chair nevertheless may help to clarify your own thinking. If you are found to be in breach of the Code, the fact you sought advice may be taken into account ~~by the Standards Commission~~ as a mitigating factor when the Standards Commission is deciding on the appropriate sanction to ~~apply following a breach finding. Conversely,~~ apply. As noted above, a failure to seek ~~and /~~ or follow advice may be considered as an aggravating factor. The Standards Commission's Policy on the Application of Sanctions can be found at: https://www.standardscommissionscotland.org.uk/cases/hearing-rules.

20You should always try to seek advice at the earliest opportunity, usually from the Standards Officer. You should be mindful that the person from whom you are seeking advice may not have full knowledge of the matter, or your personal circumstances. On rare occasions (for example when an alleged breach is to be considered by the Standards Commission at a Hearing), you may wish to seek external legal advice, although there is no requirement for you to do so. You would be responsible for the cost of any external legal advice you seek, either to assist you with interpreting the Code, or in responding to any complaint about your conduct.

~~**20** You should always try to seek advice at the first opportunity, for example from the Standards Officer. You should be mindful that the person from whom you are seeking advice may not have full knowledge of the matter, or your personal circumstances. On rare occasions, for example when an alleged breach is to be considered by the Standards Commission at a Hearing, you may wish to seek external legal advice. You will be responsible for the cost of any external legal advice you have chosen to obtain, either to assist you with interpreting the Code, or in responding to any complaint about your conduct.~~

21 You are encouraged to promote and support the Code at all times and to encourage others to follow your example in doing so. Experienced members should consider whether they can act as a mentor to others to help them to understand ~~the Code.~~its provisions.

22 As noted above, public body boards can comprise of individuals who are appointed, elected or nominated to the board in different ways. Members should recognise that the reason such bodies are comprised of individuals with different backgrounds, knowledge and experiences is to ensure diversity of thought and to ensure that input from, and the perspectives of, all key stakeholders are known and considered in any decision-making. Members should ensure, therefore, that they understand, respect and take account of differences in each other's backgrounds, knowledge and experiences, so these do not become a barrier to progress and to the effectiveness of the board itself.

23 Members should be clear, nevertheless, that they are required to act in the best interests of the public body when acting as a member (as opposed to the interests of any individual group or constituency from which they have been appointed, nominated or elected). Members need to be aware of their obligations to the board and reconcile these with their obligations to their

constituency. While such members can raise matters from the perspective of their constituency, they should not promote the interests of, or lobby on behalf of, the constituency when sitting as a member of the public body.

~~**23** Members should be clear, nevertheless, that they are required to act in the best interests of the public body, as opposed to the interests of any individual constituency from which they have been appointed, nominated or elected. Such members need to be aware of their obligations to the board and reconcile these with their obligations to their constituency. While such members can raise matters from the perspective of their constituency, they should not promote the interests of, or lobby on behalf of, the constituency when sitting as a member of the public body.~~

24 The Code should be read as a whole. It may be necessary to cross-reference different provisions.

SECTION 2: KEY PRINCIPLES OF THE CODE OF CONDUCT

25 The Code is underpinned by the nine key principles of public life in Scotland, namely: Duty, Selflessness, Integrity, Objectivity, Accountability & Stewardship, Openness, Honesty, Leadership and Respect.

26 The key principles are for guidance and you should ensure that you always have regard to, and follow, these principles. You should not persuade others to act in a way that would be contrary to the key principles.

27 A breach of one or more of the key principles does not in itself constitute evidence of a breach of the Code. However, the key principles can be used by both the Ethical Standards ~~Commissioner's office~~ Commissioner (ESC) (in ~~its~~ their investigatory role) and the Standards Commission (in its adjudicatory role) to assist with interpretation of alleged breaches of the substantive sections of the Code, being Sections 3 to 6 inclusive.

28 It is your personal responsibility to ensure you are complying with the provisions of the Code. In doing so, you may need to exercise your judgement and consider how a member of the public, with knowledge of the relevant facts, would reasonably regard your actions or decision making in your role as a member. This is not the same as members of the public ~~not liking~~ disliking a decision you have made or an opinion you have expressed legitimately in the course of your work; it is about whether you have acted properly and in accordance with the Code.

SECTION 3: GENERAL CONDUCT

Respect and Courtesy: General

29 You must treat everyone you come into contact with in your role as a member with courtesy and respect, even if you disagree with their views. This can include employees, officials from the sponsor body, members of the public, service users, politicians and fellow members.

30 It should be noted, in the context of paragraph 3.1 of the Code, that meetings can include virtual meetings or other forms of remote working via platforms such as MS ~~Teams, Skype~~ Teams and Zoom.

31 While you are entitled to express your views and to disagree with others, you must do so in a respectful way. Respectfully challenging the thoughts of others, and in turn allowing your own thoughts to be challenged helps promote a culture of diversity of thought. You should focus on the issue itself, rather than making any personal comments about an individual.

32 You should always be mindful about how others could reasonably perceive your conduct, and that even if it is not your intention to be disrespectful or discourteous, your behaviour could be interpreted as such. Any decision made by the Standards Commission as to whether conduct could amount to a breach of the respect, courtesy, bullying or harassment provisions in the Code will involve a full, fair and objective assessment of the conduct in question, the intent, and reasonably foreseeable impact.

33 If you make a comment in the heat of the moment, which you do not mean and then regret, you should consider retracting it and / or apologising. Bear in mind, however, that comments made on social media may have been circulated widely by the time you seek to retract them or apologise.

34 You should always think ahead. If you have any concerns about a potential problem, speak to your public body's Chair, Standards Officer or Chief Executive so that advice can be sought and / or action can be taken before a situation becomes a serious problem. This could avoid or reduce the likelihood of an inadvertent breach of the Code and / or a complaint being made about you. The fact that you have sought advice, or indeed failed to seek advice, may be taken into account at a Hearing. Similarly, evidence of an immediate apology or retraction may be a mitigating factor at a Hearing.

35 You should ensure you are familiar with the Equality Act 2010, which provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. The Equality and Human Rights Commission has produced guidance on the Equality Act, which can be found at: ~~https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-guidance.~~https://www.equalityhumanrights.com/equality.

Respect and Courtesy: Applicability of the Code

36 It is very important to note that the rules of good conduct set out in Section 3 of the Code must be observed in all situations where you are acting as a member of your public body, which includes when you are representing the public body on official business.

37 As noted in the Introduction ~~Section of~~ Section, the ~~Code, it~~ Code is applicable in all situations where:

1 you are acting as a member (for example, when attending public body board or committee meetings, engaging with employees or assisting service users);

2 you have identified yourself as a member at the time of the conduct in question (for example, you state you are a member on your social media account); and / or

3 you could objectively be perceived to be acting as a member (for example, when posting about public body-related matters on social media, or when attending an event to which you have been invited as a member).

38 You should be mindful, therefore, that your perception of when you are carrying out official business and when you are acting privately may be different to how it is viewed by a member of the public. In making an objective determination about whether you were acting as a member of the public body (even if you have not identified yourself as being a member), the Standards Commission will consider whether it would be reasonable for members of the public, with knowledge of the relevant facts, to consider that you were acting as such at the time of the events in question.

39 Factors the Standards Commission may consider when determining if the Code applies include whether:

- you have been clear about the capacity in which you are acting;

- you have described yourself as a member (for example in a social media account or biography, or in the sign-off to correspondence) or are otherwise readily identifiable as acting as a member in the situation / circumstances;
- you have been accurately and reasonably named as a member or otherwise identified as such (for example, in a speaker biography or a delegate list at an outside event);
- you are on the public body's premises or at one of its events;
- you are using IT equipment and / or an email account supplied by your public body;
- your conduct could reasonably be regarded as bringing your position as a member, or your public body, into disrepute;
- you are commenting on political matters that concern your public body, or matters that fall within the scope of its functions;
- you are invited to attend an event because you are a member; and
- you are representing the public body or speaking on behalf of the public body.

40 Members of some public bodies, especially those elected to the board, those appointed via routes linked to a local or specific community (including Local Authority appointees), or those who have regular and direct engagement with service users and stakeholders, may have a high profile within that area or community. If this is the case, you may wish to consider whether members of the public might automatically assume you are commenting in your capacity as a member, either in person or in anything you post, publish or ~~share,~~ share. This is particularly the case if you are commenting on matters that relate to the work or remit of the public body.

41 If you are a member of more than one public body, or are also a councillor, you may be subject to more than one Code of Conduct. In considering and making any decision on whether, and which Code applies, the ESC and Standards Commission will consider whether a member of the public, with knowledge of the relevant facts, could reasonably perceive you as ~~having been~~ acting as a member of the specific public body at the time of the alleged breach of the Code. The fact that complainers or witnesses to any conduct may be aware that you are a member of that public body is ~~not~~ not, in ~~itself~~ itself, sufficient for the Code to be engaged.

A member shared an article that contained a sectarian comment on their LinkedIn profile. While the LinkedIn profile was a personal one, and did not state explicitly that the individual in question was a member of their public body, the Panel determined that it was apparent from the content of the profile, other posts, and shared items that this was the case. Therefore, the Panel found that it would have been reasonable for an informed member of the public to have perceived that the individual ~~could have been~~ was acting in their capacity as a member of the public ~~body.~~ body when sharing the article. The Panel accepted that the member's position was that they had not read the article in ~~full,~~ full and ~~that the member was~~ were absolutely appalled by the remark in question, but nevertheless found that there had been a breach of the Code. The Panel agreed that sharing an article of that nature was likely to bring both the member and their public body into disrepute.

A councillor was convicted of sexual assault in respect of an incident that occurred at a Trades Association event. The Panel was satisfied that it would have been reasonable for an informed member of the public to have perceived that the councillor was acting as a councillor at the event, given both ~~the~~ its public nature ~~of it~~ and also because the invitation to attend had originally been sent to another councillor, a party group leader, before being passed on. The Panel concluded that the Code applied.

A member sent and encouraged an employee of his public ~~body~~ body, with whom he had a personal relationship to send, inappropriate social media messages, including messages of a sexual nature, during office hours. The Panel rejected arguments that the member had been acting in an entirely personal capacity. It found that the member could not ~~completely~~ separate himself completely from his role as a board member of his public ~~body,~~ body and that, when sending or encouraging the employee to send the messages during working hours, he was acting as a board member.

A member met ~~a~~ another member of the public at a public body-run event and subsequently entered into a personal relationship. The member was then abusive towards the member of the public on a night out. ~~As~~ The Panel found that as the member was not acting in his capacity as a member at the time of the incident, the Code would not apply to his conduct.

A member ~~attended~~ attending a family wedding ~~and~~ was introduced ~~himself~~ as ~~a member.~~ such. The member then became involved in an altercation with another guest. The press later reported that the member has been charged with disorderly conduct and assault. The Code did not apply because while the member had been introduced ~~themselves~~ as a member, it would not be reasonable for members of the public to consider that he was attending the wedding (being a private event) in that capacity. The subsequent identification of the member in the media would not mean the Code was engaged.

Respect and Courtesy: Social Media

42 The rules of good conduct also apply when you are engaging in online activity, including when using social media. Social media is a term used to describe online technologies, platforms, applications and practices that are used to share information, knowledge or opinions. These can include, but are not limited to, social networking sites, blogs, wikis, content sharing sites, photo sharing sites, video sharing sites and customer feedback sites.

43 The Standards Commission has produced an Advice Note for Members on the Use of Social Media. This can be found at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

44 The conduct expected of you in a digital medium is no different to the conduct you should employ in other methods of communication, such as face to face meetings and letters. Before commenting or posting, you should consider very carefully whether:

- ~~you~~ You understand the immediate and permanent nature of any comment or post you are about to make, and that you will have no control over the extent to which it is shared, and by ~~whom;~~whom.
- ~~you~~ You would make that comment or post ~~in-person,~~ in-person or face to ~~face;~~face,
- ~~you~~ You have such conviction in what you are about to share that you would be prepared to justify it if challenged at a later ~~date;~~date.
- ~~'liking',~~ 'Liking', reacting to, tagging, re-posting and sharing comments or posts, or publishing links to other sites could be reasonably regarded in the circumstances as endorsing the original opinion, comment or information, including information on other ~~sites; and~~sites.
- ~~you~~ You fully understand that even if you delete your post, it may have been captured by way of a screenshot or otherwise retained in some way (including being automatically cached online) and that fully deleting content once it has been shared online is almost impossible to achieve.

45 Other important factors to consider when using social media include whether:

- ~~you~~ You are identifiable as a member by directly referring to yourself as such or indirectly by referring to the public body, or the functions of your role as a member, or through any information or images ~~posted;~~posted.
- ~~the~~ The account you are using is 'private' and whether you have set your privacy controls accordingly. You should bear in mind that anyone who is able to view your social media content will be able to screenshot and publicly share it, if they choose to do ~~so;~~so.
- ~~the~~ The number of 'followers' you have and whether these individuals are following your account because you are a member of your public ~~body;~~body.

- ~~information~~ Information you are posting is confidential and you only have access to it because you are a member of the public ~~body;~~body.
- ~~you~~ You are demonstrating bias or ~~pre-determination;~~pre-determination.
- ~~you~~ You are using the public body's equipment and / or your public body's information technology network or your ~~own; and~~own.
- ~~you~~ You have complied with any ~~policy~~ Social Media, Use of Information Technology or Communications policies your public body has ~~produced on the use of social media;~~produced.
- ~~you~~ You have complied with the law including defamation, copyright, data protection, employment and equalities or harassment provisions.

It can be difficult sometimes to persuade people that you can take a different view, or even have an open mind, in your capacity as a member from any view you may have expressed in your personal capacity. This is particularly pertinent in respect of using social media, or commenting in the press, where the separation of public and private comments may be unclear to someone reading them, and where information about your status as a member may be readily available online or from different sources (including your public body's website).

A complaint alleged that a member had set up a Facebook account under a false name in order to post derogatory comments about employees of the public body. The owner of the account was identified as the posts contained information about specific employees that could only be known by a member. It was established that by posting the comments, the member in question had been acting in their capacity as a member, regardless of whether or not they had identified themselves as such. It was found that the member had breached the respect provisions of the Code.

Respect and Courtesy: Article 10 ECHR – Your Right to Freedom of Expression

46 You have a right to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR). You are entitled to express your views and opinions. The Code does not prevent making points or from scrutinising the performance of your public body, provided you do so in a respectful manner that is compatible with the Code.

You should note, however, that the protection Article 10 affords is not absolute and does not extend to, or excuse, hate speech or egregious offensive and abusive personal attacks.

Therefore, you may wish to think about:

- whether your comments are likely to bring your office or the public body itself into disrepute;
- whether you are treating others with courtesy, respect and consideration;
- whether making your point in a respectful and constructive manner may have more of an impact in terms of influencing others;
- the fact that 'liking', reacting to, re-posting and ~~re-tweeting~~ tagging comments or posts, or publishing links to other sites are likely to be perceived as endorsing the original opinion, comment or information, including information on other sites;
- whether to allow disagreement on your social media pages;
- the fact that tone can be harder to convey online so consideration should be given to whether humour, irony and sarcasm will be perceived as such;
- whether you have to respond and / or if it is appropriate or helpful to do so;
- whether anything you post could be considered obscene.

47 The Standards Commission has produced an Advice Note that outlines the approach it will take when issues that concern the application of Article 10 of the ECHR and the right to freedom of

expression arise. It also suggests issues members should consider in order to ensure compliance with the provisions concerning courtesy, respect and confidentiality in the Code. The Advice Note ~~is available on the Standards Commission's website~~ can be found at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

Respect and Courtesy: Equalities

48 You are expected to advance equality of opportunity and to seek to foster good relations between different people. It is unacceptable for a public figure such as a member of a public body to express views that indicate a discriminatory attitude towards people on the basis of race, age, sex, sexual orientation, gender reassignment, disability, religion or belief, marital status or pregnancy/maternity.

A complaint alleged that a member had posted a homophobic comment on the complainer's Facebook page and, when doing so. he had accessed his account using a mobile phone issued by his public body. It was found that the comment made by the member had clearly been intended to insult and demean the complainer. The member was found to have breached the Code.

~~*A complaint alleged that a member had posted a homophobic comment on the complainer's Facebook page and that he had accessed his account using a mobile phone issued by his public body when doing so. It was found that the comment made by the member had clearly been intended to insult and demean the complainer. The member was found to have breached the Code.*~~

A complaint alleged that a councillor had shared, on Facebook and ~~Twitter,~~ X, a blog article which was critical of a union member who had organised an equal pay strike in Glasgow. The article contained references to "Mein Kampf" and of Hitler having accused "The Jew" of gradually assuming membership of the trade union movement. It was found that the article promoted negative stereotypes and was antisemitic in nature. The councillor was found to have breached the respect provisions of the Code.

A councillor referred to the complainer as a 'TERF' (Trans Exclusionary Radical Feminist) in a series of ~~tweets~~ social media posts and in emails. The Panel found that while the term TERF was potentially controversial and could be seen as one of abuse, it could also be used or perceived as simply a descriptor. It was found, however, that it was evident from the Respondent's description, over an extended period of time, of TERFS as being "scum" and "hateful and vile", that the councillor intended it to be one of abuse. It was further found that the councillor had directed the term at the complainer as an individual and that it was about her as a person, rather than simply being a descriptor of her alleged views. As such, it was determined that the reference to the complainer as a TERF, in context, amounted to a personal attack on her and that the councillor had failed to behave in a respectful manner. It was further determined that the councillor had used a highly derogatory profanity about a member of the public in another tweet. It was found that using such a word in a public forum such as a tweet was highly offensive and inappropriate, regardless of whether it had been directed at any individual or identifiable group of individuals. The councillor was found to have breached the Code.

Respect and Courtesy: Bullying & Harassment

49 Bullying is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted. It usually, but not always, arises as a result of an individual misusing their power.

50 Harassment is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated, frightened and / or uncomfortable. It can be experienced directly or indirectly (for example, being in the room in which unacceptable conduct is being displayed and being affected by it). Harassment is not confined to conduct defined as such under the Equality Act 2010 (i.e. unwanted conduct related to a relevant protected characteristic).

51 It should be noted that bullying and harassment (which includes sexual harassment) can be a course of behaviour or a one-off incident.

52 Even if the behaviour in question is unintentional, it can still be classed as bullying and / or harassment. It is the impact of the behaviour, not the intent, that is the key. You should therefore be aware of the impact of your conduct as it may be experienced by others, and remember that what may seem harmless to you can be offensive to someone else. It should be noted, however, that any decision made by the Standards Commission as to whether conduct could amount to a breach of the bullying and harassment provisions in the Code will involve a full, fair and objective assessment of the behaviour, intent and reasonably foreseeable impact. This will include taking account of the perception of the person to whom the behaviour has been directed, and whether it was reasonable for the conduct to have the effect of making that person feel offended, humiliated, intimidated, frightened and / or uncomfortable.

53 Bullying and harassment can occur through all means of conduct and communication – including social media posts, shares and comments. It can also arise through a lack of communication, such as the deliberate exclusion of an individual from a conversation, work or social activity.

54 You are responsible for your own behaviour. You must ensure that you are aware of, and comply with, the provisions concerning bullying and harassment in the Code and also any policy your public body has on ensuring dignity in the workplace.

55 The Standards Commission has produced an Advice Note for Members on Bullying and Harassment. The Advice Note ~~is available on the Standards Commission's website~~ can be found at at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

A complaint alleged that a member had behaved in a disrespectful manner towards two female fellow members and employees. It was established that the member had made unwarranted and inappropriate physical contact with the fellow members and employees at an official event and had also made remarks towards the employees which were patronising and demeaning. The member was found to be in breach of the Code.

A complaint alleged that a member had sent an email to a number of employees of their public body and ~~posted~~ published a ~~Twitter message,~~ post on social media, describing an employee as "arrogant, lazy, mentally challenged" and as having been "useless for years". The impact ~~of the emails~~ led the employee to seek medical and other support and resulted in him taking sickness absence due to stress. The Panel found the ~~emails~~ email and ~~tweet~~ post to be completely unwarranted and would have adversely affected the employee's ability to carry out his role. The Panel found the member's conduct amounted to a breach of the Code.

A complaint alleged that a member made a number of allegations and critical comments on his online blog about the complainer, who was a fellow member, which were of a personal and insulting nature. It was found that the comments had been made without factual basis, were disrespectful and were clearly intended to demean the complainer in a public forum. The member was found to have breached the Code.

A complaint alleged that a councillor had made remarks of an abusive, insulting and personal nature to a police officer, and also made a number of unfounded allegations about him during two telephone calls to a Police Station. It was found that the councillor had made the telephone calls in his capacity as a ward councillor and concluded that the provisions of the Code applied to him at the time of the events in question. It was further found that the comments made by the councillor in the telephone conversations amounted to an unacceptable personal attack on the police officer and that he had breached the respect provisions in the Code.

Respect and Courtesy: Public Body Employees

56 It is understood that there may be tensions in an environment where individuals have different backgrounds and experiences. It is nevertheless essential to ensure that the public has confidence in the public body and the role of its members. This can only be achieved if members behave in a respectful way both towards each other and towards the public body's employees.

57 The requirement to respect all public body employees includes employees of contractors providing services to the public body; and employees of any other organisations where it might be reasonably perceived that the public body (and by implication the member) has a supervisory influence over those individuals. This might, for example, include cleaners or security guards employed by an agency contracted to provide services to the public body and who work in public body buildings and / or solely and entirely on public body work.

58 It should be noted that anyone can make a complaint to the ~~Ethical Standards Commissioner~~ ESC about an alleged breach of the Code. There is no obligation on anyone, including public body employees, to make a complaint even if appears to them that the Code may have been ~~breached.~~ breached, and the Complainer does not have to have been affected by the conduct. It may be the case that the matter can be resolved informally. Asking a public body employee to make a complaint could compromise their position. You should not, therefore, act in a manner that may pressure employees into making a complaint.

A complaint alleged that a councillor had sent a series of emails (and made statements in council meetings) over a period of eleven months, to his fellow councillors and to senior council employees, alleging corruption in the allocation of a council property a family member of another councillor. The councillor in question had provided no proof to back up his claims of corruption. A number of internal council investigations, and finally an independent investigation carried out by Audit Scotland, had all concluded that there was no evidence to suggest any corruption in relation to the housing allocation. The Panel considered that by making such serious and unwarranted public accusations about the conduct of employees, the councillor's conduct was offensive and fell well below the standard to be expected of a councillor, and therefore found that the Code had been breached. It is worth noting that in this case, due to the seriousness of the contravention and two previous breach findings against him, the councillor was disqualified.

Distinguishing between Strategic and Operational Matters

59 The Standards Commission has produced an Advice Note for Members on Distinguishing Between their Strategic Role and any Operational Work, which can be found at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings. In general, if a duty is delegated to an employee, then it is likely to be operational in nature. You may wish to seek information about specific matters, cases or a particular item of work, but you should be aware that employees may feel pressured by a member challenging their actions or appearing critical of some aspect of their work. This is particularly the case with junior employees, who may not be used to dealing directly with members. Any concerns about performance should be raised in private with the Chair who can then bring them to the attention of the Chief Executive or the employee's line manager, as ~~appropriate.~~appropriate. You should also follow any policies the public body may have in respect of performance.

Respect and Courtesy: Public Comment about Public Body Employees

60 As a member, you are entitled (and indeed required) to scrutinise the effective delivery of services and whether operational targets have been achieved. You should be careful, however, not to make public statements which expressly, or by implication, criticise the actions (or inaction) of an individual employee or identifiable group of employees (where individuals in that group are, or could be, identifiable). You should note that the concept of a public statement

is wide and can cover a variety of scenarios such as the published minutes of a board meeting, a comment on social media, or being overheard in a public area, such as a corridor or tearoom. This provision does not prevent you from scrutinising the performance of a team or service. Instead, it precludes you from making any public criticism, which is personalised in nature, about an individual officer or identifiable group of officers. When you need to raise concerns in public about the performance, conduct or capability of the organisation (or parts of it), you must do so objectively and respectfully, focusing on the issues rather than any employees who are or were directly involved.

For example, in a scenario where you are concerned about the quality of a report before you, you should consider how you raise your concerns. Saying "I note this report does not contain a risk assessment – I would be grateful if a risk assessment could be undertaken" would be respectful, whereas saying "as usual, your report is inadequate and poorly prepared as it does not contain a risk assessment" could be perceived as being personally critical of the report's author.

An example of effective scrutiny could be to say at a public meeting "I have concerns about this service we are providing in respect of X, as it appears there are undue delays. Could a report therefore be prepared on service delivery for X against key performance indicators over the last six months? Where these are not met, could information be provided as to why not and on what steps are being taken to improve matters". However, saying that "the performance of Ms A, as the director, appears to be lacking, as service X is clearly not meeting its key performance indicators" could be seen as being critical of Ms A as an individual.

61 The requirement to refrain from criticising employees in public also applies to former employees, if the criticism is about them in that capacity (i.e. if it concerns their performance, conduct or capability when they were employed by your public body).

62 If you have concerns about the performance, conduct or capability of an employee, you must raise them in private with senior management and in accordance with your public body's procedures. You may wish to discuss your concerns with the Chair in the first instance, to see if they are shared by other members. If you are raising concerns about an employee with senior management, you should try to be as objective and specific as possible.

For example, it would be more helpful to say: "I am concerned about the way X spoke to me at the board meeting on Y date in that I found his remark to the effect that… to be rude and disparaging", rather than "X is rude towards board members".

Similarly, it would be more constructive to say "I am concerned about X's performance as the reports she produced for the meetings on Y and Z dates were not of the quality I would expect from someone of her grade in that they lacked any detail about… and did not cover…", rather than "X's performance is not up to scratch as her reports are rubbish".

63 If you have concerns about the performance, conduct or capability of your public body's Chief Executive, you should raise them in private with the Chief Executive. You should discuss your concerns with the Chair before doing so, to see if they are shared by other members and / or are already being addressed. If you are an executive ~~Board~~ board member, you should raise any such concerns with an appropriate member of the management team through established local procedures.

A complaint alleged that a member had become inappropriately involved in disciplinary proceedings being brought against an employee of their public body. The member sought to influence the operational decision-making by sending a number of emails to the employee's line manager excusing the employee's alleged misconduct and praising their performance. In trying to interfere with the line

manager's performance of their operational duties the member lost sight of their governance role and overall responsibility to their public body. The member was found to have breached the Code.

A complaint alleged that a member engaged in public criticism of the Chief Executive of their public body by posting information and comments on a stakeholder's Facebook page. The member did not give the Chief Executive an opportunity to respond before publishing the comments on the Facebook page. The member was found to have breached the Code.

A public body was in the process of updating its website's design and content. One of its members sent numerous emails, and made multiple telephone calls, to the public body's IT department questioning the proposed layout, the timescale for the roll-out and the design of other websites in the supplier's portfolio. The member also suggested wording and other content to be used on specific pages and questioned the proposed menu headings for the new site. While the Panel accepted that members would have a strategic role in such a project, and would be entitled to scrutinise its implementation and make some suggestions, the member in question was found to have strayed too far into discussions and decision-making at an operational level. Indeed, the Panel found that the member's interference resulted in delays to the project as employees' time was taken up in dealing with ~~the member's~~ their enquiries and suggestions. The member was found to have breached the Code.

Respect and Courtesy: Public Body Meetings

64 The word 'Chair' in paragraph 3.10 of the Code, and the word 'Chair' in this Guidance, are not restricted to those specific terms ~~and~~ and, instead, apply to any individual holding a similar chairing ~~role.~~role. The Standards Commission has produced an Advice Note for Chairs of Devolved Public Bodies, which outlines the role that chairs may be expected to undertake within the ethical standards framework. The Advice Note can be found at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

65 The role of the Chair in any public body meeting, including a committee meeting or a meeting of a working group or similar forum, is to ensure that the agenda of business is properly dealt with and clear decisions are reached. To do this, the Chair has a responsibility to ensure that the views and opinions of other participants (including the advice of employees) can be expressed. At the same time, the Chair has a responsibility for proper and timely conduct of the meeting and for helping to ensure the meeting is conducted in compliance with the public body's Standing Orders and that the questions and discussion remain focused. This includes determining the point at which conclusions should be reached. Chairs are required to adopt a balanced approach to help ensure fairness to participants while at the same time dealing firmly with any attempt to disrupt or unnecessarily delay the meeting. If you are present, you share the responsibility for the proper and expeditious discharge of business. As such, you should ensure you are familiar with your public body's relevant rules, regulations or Standing Orders. The role of the Chair in reaching judgements about how the meeting is to be conducted should be supported and respected.

A complaint alleged that a member ~~had~~ failed to respect the Chair and other colleagues during a board meeting. Despite the Chair determining ~~that~~ the matter under consideration had been agreed, the member continued to speak over the Chair, requiring her to adjourn the meeting. Upon reconvening, the member continued to speak over the Chair. A motion was passed in terms of the public body's Standing Orders to suspend the member from the board meeting. Despite this motion, the member initially refused to leave, and it took a further adjournment from the Chair to persuade the member to remove himself. The Panel ~~held~~ found that the member had breached the Code.

66 You are accountable for your own conduct at all times in terms of the Code, irrespective of the conduct of others. Abusive or offensive language and / or unnecessarily disruptive behaviour should not be tolerated. During the course of a meeting, the Chair has the right to rule on and

to take appropriate action as necessary on the acceptability of conduct, and any language used and comments made. This can include requiring the withdrawal of a remark, asking for an apology, or any other action necessary to allow the meeting to proceed properly. Factors you should consider include whether:

- your behaviour, including your body language, is courteous and respectful (even when you hold a different view to that of other participants);
- you are treating others with courtesy, respect and consideration;
- your choice of language in meetings is appropriate and meets the high standards expected by the general public;
- it is appropriate to refer to other members by nicknames or to refer to them in the second person, by using terms such as 'you';
- newspapers, mobile phones, laptops and other devices are being used appropriately or whether their usage could be perceived as you not being engaged in the meeting or listening to what others are saying; and
- your conduct could diminish the public's opinion of, and trust and confidence in, the public body and / or its members.

A complaint alleged that a member had been disrespectful towards a fellow member by making disparaging remarks about their input into a discussion. Their remarks included a personal comment about the other member's intelligence and their suitability to be a board member. It was found that the member's remarks amounted to a personal attack and were egregious and inappropriate. The member was found to have breached the Code.

At a board meeting a member challenged a senior employee's integrity by accusing them of falsifying data in a performance report. The Panel found this behaviour particularly egregious given that the employee in question was not present at the meeting and, therefore, could not address the accusations. In addition, the concerns had not been raised previously with the employee or their line manager in private. The member was found to have breached the Code.

A councillor said "sieg heil" when the Chair of a committee curtailed debate on a motion. It was found that the words "sieg heil" are synonymous with the former fascist Nazi regime in Germany and are directly associated with obedience to an oppressive dictatorship. As such, it was found that the councillor's use of them could only be taken as an unacceptable way of protesting about how the Chair had conducted the meeting in respect of the item under consideration. Although the councillor had retracted the comment when asked to do so, it was found that he had breached the Code by failing to show respect to the Chair.

Collective Responsibility

67 The provision in the Code concerning collective responsibility is not intended to inhibit or reduce private discussion by members in matters of decision-making and corporate responsibility. However, while you should be ready to offer constructive challenge in your capacity as a member, you must share collective responsibility for decisions taken by the board of your public body as a whole once such decisions have been made. The principle of collective responsibility applies at all times where you are acting as a member of your public body or could reasonably be perceived to be acting as ~~a~~ such. This could include when you are making a press statement or providing a quote to the media.

68 If you fundamentally disagree with the decision taken by your board, then you have the option of recording your concerns in the minutes of the board meeting. If you remain discontented, you may wish to ask the Chair of your board for a meeting to discuss your concerns. Ultimately, though, if your concerns are not resolved to your satisfaction and you cannot accept and

support the collective decision of your board, you may wish to consider whether it is appropriate to resign.

69 It should be noted that the requirement to respect the principle of collective decision-making and corporate responsibility does not prevent a board from making a subsequent formal decision to alter, delete or rescind a decision (although if the board does so, the principle will apply to the new or altered decision).

During a board meeting of their public body, a member voiced their disagreement with a decision taken by their board. This disagreement was registered in the minutes of the board meeting. However, following the board meeting, the member posted an angry comment on ~~Twitter~~ social media criticising their board and stating in very strong terms that they did not agree with its decision. The Panel found that while the member was entitled to have their disagreement recorded in the minutes of the board meeting, their conduct in ~~posting the Tweet~~ criticising it online amounted to a failed to adhere to the principle of collective responsibility. As such, they were found to have breached the Code.

An NHS Board was seeking to buy land for potential car parking. Having identified a suitable site, the Board decided to make an offer that was slightly above market value, due to concerns about a third-party's interest in the land in question. One board member did not consider that the purchase at the proposed offer price represented best ~~value,~~ value and ~~was the only member to vote~~ voted against the proposal. While the member accepted the majority decision of the Board, she later made adverse comments about the purchase to a local community group. The Panel found that by making such critical comments, the member had breached the Code.

Gifts and Hospitality

70 The Standards Commission has produced a separate Advice Note for ~~members~~ Members on Gifts and Hospitality which can be found at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

71 In your role as a member, you should never ask for any gifts or hospitality. However, you ~~will~~ may be offered gifts and hospitality: the Code makes it clear that the default position is you should refuse these, except in the very limited circumstances listed at paragraph 3.15 of the Code – see Notes 68 to 70 below for further information. It should be noted that acceptance can include accepting the promise of a gift or hospitality.

72 'Gifts' or 'hospitality' can come in many forms. Beyond the everyday things like bottles of wine or offers of lunch, they can include benefits such as tickets to sporting or other events; provision of services at a price below that generally charged to the public; incurring personal debts or obligations on your behalf, relief from indebtedness, loan concessions, or other financial inducements.

73 Objective test: you should always consider whether your acceptance of a gift or hospitality, in the limited circumstances permitted under paragraph 3.15 of the Code, would allow an informed member of the public to think it might lead to your being influenced in your judgement on matters. You should also always consider whether you would have been given the gift or hospitality if you were not a board member. In doing so, you should think not just of your own perception, but the perception of others.

74 In terms of paragraph 3.16, you should also consider whether there could be a perception that a member of the public, with knowledge of the relevant facts, might reasonably consider that any gift or hospitality received by a person or body connected to you could or would influence your judgement in respect of any matter you are to consider as a member of your public body.

If so, you will be required to consider whether you need to declare an interest, in terms of Section 5 of the Code.

75 You should note that it is a criminal offence either to ~~make~~ make, receive or ~~receive~~ give a bribe. You should note that paragraph 3.21 specifically requires you to familiarise yourself with the terms of the Bribery Act 2010, which outlines in details what a bribe is. The Bribery Act 2010 sets out technical definitions for both, however in simple terms a bribe has the following elements:

- to give, promise or offer an advantage (financial or otherwise) to someone, OR
- to request, agree to receive or accept an advantage (financial or otherwise) from someone,

AND, with the intention (by either the giver or receiver) to:

1. Encourage the recipient to improperly perform a function or an activity, OR
2. Reward the recipient who has already improperly performed a function or an activity.

It is also an offence when it is known by the giver or receiver that acceptance of the advantage would itself constitute improper performance of a relevant function or activity. An example of this would be the offer or acceptance of hospitality that goes beyond the limits of what would reasonably be associated with your duties as a board member, under paragraph 3.15 of the Code. If you accept a gift or hospitality that would amount to a breach of the Code, this could be regarded as a bribe and a criminal offence under the Bribery Act. More information on the Bribery Act can be found at: https://www.gov.uk/government/publications/bribery-act-2010-guidance. Your Standards Officer may also be able to assist with further material.

76 An example of bribery might be where a windfarm operator promises to pay community benefit to an organisation in a councillor's ward if that councillor votes in favour of granting planning permission in circumstances where it would not otherwise be granted (i.e. if the proper statutory test of considering the provisions of the development plan and all material planning considerations was not applied or if community benefit was wrongly taken into account in determining a planning application).

77 You should, therefore, be aware that irrespective of any of the provisions in the Code, a gift which induces an individual to improperly undertake a statutory duty, such as a regulatory decision, is still likely to fall foul of the provisions of the Bribery Act 2010. This is regardless of whether the gift is given directly to the individual, or to someone else. Such an action could result in a criminal prosecution.

78 Paragraph 3.18 of the Code makes it clear that where an individual or organisation is awaiting a decision from, or seeking to do business with, the public body, you should not accept any form of gift or hospitality from them, no matter how small in nature or value. This is irrespective of whether you sit on a committee or working group with an influence on the outcome of such matters, as there could still be a perception that you might be in a position to influence colleagues making the decision one way or another. As you have a personal responsibility to comply with the Code, the onus is on you to ascertain whether the individual or organisation offering you gifts and / or hospitality is awaiting a decision from, or seeking to do business with, your public body.

Limited circumstances in which gifts and hospitality may be accepted

79 Provided paragraph 3.18 of the Code does not apply, paragraph 3.15 sets out the very limited circumstances in which you might accept a gift or hospitality from another person in your role as a member. These would be things such as a pen, or a notepad, or hospitality such as tea or

coffee at a local event, or a sandwich or buffet lunch included as part of a daily rate charged and provided to all delegates at a training event or conference. For example, if as board member of a National Park Authority, you are asked by the Chair and Chief Executive to attend the opening of a new café within the national ~~park. It~~ park, it would be reasonable for you to attend, and to accept an offer of a light lunch.

80 Similarly, where you are representing the public body in an official role, you will be expected to accept hospitality normally associated with that ~~role, for example,~~ role. An example could be a dinner to commemorate the anniversary of an event. If you are invited to such events, you should always check, in advance, with your public body that you can accept the ~~invitation.~~invitation. The Standards Commission's Advice Note for Members on Gifts and Hospitality provides a series of considerations intended to assist you in scrutinising offers of hospitality, to help you reach fair and transparent decisions on what should be accepted and what should be declined. It also provides examples of typical scenarios to show you how you might use those considerations.

81 Paragraph 3.19 of the Code also recognises that there may be situations where, as a member, you may be expected to accept gifts on the public body's behalf. These could be, for example, from representatives of a similar body from another country. In those circumstances, if it would cause embarrassment or offence to refuse the gift, you can accept it. You should, however, pass the gift to the appropriate employee of your public body at the earliest opportunity. It may be that it will then be registered on any internal register of gifts given to the public body as an entity.

Perception and Influence

82 The provisions in the Code on gifts and hospitality are designed to avoid any perception that members may be using their role to obtain access to benefits that members of the public would otherwise be expected to pay for, and also to prevent them from being influenced (inadvertently or otherwise) into making decisions for reasons other than the public interest (for example, by serious organised crime gangs seeking to obtain contracts and licences to facilitate money laundering).

83 The requirement for members to advise their public body's Standards Officer of any offers of any significant gifts or hospitality from the same source on a repeated basis, that you have declined in terms of the Code, is important as it ensures the public body can take action if it appears the same individual or organisation is attempting to influence its board members and decision-making. It is also open to you, in the interests of transparency, to declare any gifts and hospitality you have declined.

A complaint alleged that a member accepted and subsequently failed to declare hospitality received from a law firm that was involved in a tender application to provide legal services to the member's public body. The hospitality involved a trip to watch the Scottish Cup Final at Hampden. It could not be said that the hospitality in question was minor, or that it was associated with the member's duties as a member of their board. In addition, it was found that it should have been evident to the member that there was a possibility that the law firm would submit a tender to provide services to the public body. Although the member was not directly involved in the tender decision, the Panel found that it was likely that a member of the public would reasonably consider that the hospitality could have led the board member to influence others involved in making the decision. By accepting the hospitality, the member was found to have breached the Code.

A complaint alleged that a councillor had failed to declare hospitality received during a site visit from a recipient of planning permission who was to make further applications for the same development. However, there was no evidence to suggest that any Council representative, including the councillor in question, received any gift or further hospitality other than being provided with light refreshments mid-

morning. Evidence suggested that these had been provided by the developers, following a Council request. This was not regarded as inappropriate for the purposes of the Code.

Confidentiality

84 You have a statutory right, subject to certain statutory exemptions (including those covered by data protection legislation), to the public body's information under the Freedom of Information (Scotland) Act 2002. You should be aware that information you produce or receive could be subject to disclosure as this legislation provides individuals with the right to request recorded information held by your public body. You also have a right to request information where you can show a need to know that information in order to perform your duties as a member.

85 It is legitimate, however, for your public body to require you to treat certain documents and information, provided to you in your capacity as a member, as confidential. Given the potential damage that the unauthorised disclosure of confidential material can do to the standing, reputation and integrity of a public body, it is essential that you respect the provisions at paragraphs 3.22 to 3.25 of the Code.

86 Information can become confidential in a number of ways, including in terms of the following examples:

- a public body employee, or a member of the public, has asked you to treat it as confidential;
- the public body has resolved to treat it as exempt information in terms of Freedom of Information legislation, or is likely to do so; and
- information which, under the data protection legislation or the General Data Protection Regulation contains personal data, the release of which would lead to a breach under those provisions.

87 Sometimes the confidential nature of the material will be explicit, such as if the document is marked 'confidential'. In other cases, it will be clear, from the nature of the information or from the circumstances in which it was provided to you, that it is confidential. This may include the following types of information.

- commercial information, such as information relating to a contract or a contractor's business;
- personal or sensitive information, such as information relating to an individual's employment or health;
- information which is confidential as a result of a statutory provision;
- information discussed in closed or private sections of meetings;
- legal advice obtained by the public body (either provided by employees or external legal advisers). This will be covered by legal privilege and should not be disclosed without the public body's permission;
- information received as a result of a relationship where there is an expectation of confidence, such as between a member and a service user; and
- information about any ongoing investigation being undertaken by the Ethical Standards Commissioner.

88 The Public Interest Disclosure Act 1998 (PIDA) allows individuals to disclose certain issues to particular external parties (known as 'prescribed' individuals or bodies) where there is good reason to believe that internal disclosure will not be taken seriously or will cause the individual making the disclosure to be penalised in some way. This is known as 'whistleblowing'. You should familiarise yourself with the types of matters which should be reported and the reporting procedure that should be followed where any wrongdoing is suspected, as outlined in the Act.

A disclosure of confidential information to an external party, such as a media outlet, which is not included in the list of prescribed individuals or bodies is likely to be a breach of the ~~Code.~~Code. The ESC is a prescribed person.

89 As a member, you are a data user and must comply with data protection legislation and your public body's data protection policies when handling information. Public body information provided to you must only be used by you for the purpose for which it was provided.

90 You should be aware that a breach of confidentiality could result in criminal proceedings, civil liability for damages and / or a fine being imposed by the Information Commissioner, in addition to any reputational damage being incurred by you and / or the public body.

91 Confidential information must not be disclosed or in any way used for personal advantage or in such a way as to discredit the public body. This applies even in circumstances where you hold the personal view that such information should be publicly available.

92 You must not provide the media with 'off the record' briefings on the general contents or 'line' of confidential material or information. Disclosures of this kind can also seriously undermine and devalue the work of the public body and its committees. They can also damage the relationship of trust and respect between members and employees, and between fellow members.

93 Sometimes, confidentiality is a matter of timing, in that information may be released into the public domain at a later stage (either in the short or long term). However, you must respect the requirement for confidentiality even if you do not agree with it or consider that the information should be released at an earlier stage.

94 You should seek advice if you are in any doubt as to whether any documents, information or advice are confidential, particularly if you are intending to disclose these to any outside body or individual.

95 As a member, you are in a position of trust and service users may provide you with information that could reasonably be regarded as confidential. If the status of any discussion is unclear, you should establish, at the earliest possible opportunity, whether some or all of the matters being discussed are to be treated as being confidential.

96 If you are considering disclosing any information which could reasonably be regarded as being confidential, you should always obtain confirmation (preferably in writing) that you have the authority to do so. However, you must be aware that the person who holds the information may not necessarily have the authority to permit any such disclosure. For example, another member may have passed on information to you. The fact that this information has been passed to you by another member does not mean that the information in question is not confidential, or that the member in question has the authority to permit you to disclose it further. You should also be wary of disclosing confidential information inadvertently, particularly when using any personal email, any artificial intelligence tool and the 'chat' function during online meetings.

97 You should be aware of the provisions of data protection legislation. If you hold personal information (such as personal details of a service user or other information such as medical conditions), you may require to be registered as a data controller under data protection legislation. You must abide by the following rules when holding and processing personal data:

- you must only use the information for the purposes for which it was given. In particular, you must not use information you have acquired as a member for political purposes or for personal advantage;

- you must not share such information with anyone without the consent of the person giving the information, or unless required to do so by law. You should note, however, that you do not need a service user's consent to share information with your public body's employees for the purpose of assisting with the resolution of an enquiry or complaint, provided you do not use the constituent's personal data in a way that goes beyond their reasonable expectations in contacting you (unless you are required to do so by law); and
- you should not keep the information any longer than you need to.

A complaint alleged that a member disclosed confidential information relating to the health of a public body employee to a third party. It was found that the member had breached the Code by disclosing to a third-party information about the employee which was private, personal and sensitive and that was, by its very nature, confidential.

A complaint alleged that a member disclosed, in two Facebook posts, sensitive information about his public body's response to the Covid-19 pandemic. The information in question had been provided by employees at private briefings. The Panel, having heard from a number of witnesses, including other members, was satisfied that it was evident the information was intended to remain confidential until the public body had prepared its public communications. This was especially important given the nature of the communications, which could have caused undue fear or alarm. The Panel concluded, therefore, that the member had breached the confidentiality provisions of the Code.

A member disclosed to the press the identity of an employee who had made a claim for constructive dismissal against their public body. The member could only have become aware of the information he disclosed by virtue of being a board member, and would reasonably have been aware that the information was sensitive, confidential and not for public disclosure. The Panel concluded that the member had breached the Code.

A board meeting was convened to agree upon an action plan for the sale of part of a public body's property assets. During that meeting a 'ballpark' figure that the public body might accept for one of its properties was discussed. Subsequent to that board meeting, one of the members present ~~at the board meeting~~ attended a fishing trip organised by a close personal friend who was a property developer. The member disclosed to their friend that their public body was looking to dispose of part of its property assets, and additionally disclosed the 'ballpark' figure that had been discussed during the board meeting. The Panel found that by disclosing this information to their friend, the member had breached the confidentiality requirements of the Code.

A report from a health and social care partnership's Chief Officer, presenting a procurement business case for social care services, was being considered by its board. The report contained information in respect of the tendering exercise and subsequent award of a contract. The information about the award of the contract was disclosed by a board member to a third party after the meeting. In determining whether the member had breached the Code, the Panel noted that while the part of the report containing the information had not been explicitly marked as confidential, it had been discussed in a private part of the meeting. The Panel concluded, as such, that the board member, would have known, or should reasonably have been aware, that the information was confidential and should not have been disclosed. The member, therefore, was found to have breached the Code.

Use of Public Body Resources

98 As a general rule, facilities paid for by the public purse, and provided for use in public body business, should only be used for public body business, unless otherwise expressly permitted by the public body itself. It is recognised, however, that some public bodies may allow members occasional personal use of public body-provided equipment, such as laptops, mobile telephones and tablets. It is likely that your public body will have policies and protocols on related matters, including the use of IT and other equipment for personal and official purposes. The Code obliges you to adhere to such policies and protocols and, therefore, you should familiarise yourself with their contents.

99The Code explicitly forbids the 'imprudent' (i.e. without thinking about the implications or consequences) use of public body facilities. Given the importance of achieving best value, it is important that members are not seen to be using facilities irresponsibly or wastefully. An example of this would be printing documents unnecessarily.

~~99~~ ~~The Code now explicitly forbids the 'imprudent' (i.e. without thinking about the implications or consequences) use of public body facilities. Given the importance of achieving best value, it is important that members are not seen to be using facilities irresponsibly or wastefully. An example of this would be printing documents unnecessarily.~~

100 Facilities must never be used for political activities.

101 Any expenses claims should be appropriate and necessary to perform your duties as a member of the public body. You should ensure that you are familiar with, and abide by, any policy your public body has in respect of expenses.

102 The provisions at paragraphs 3.26 and 3.27 of the Code apply at all times and not just when you are acting as a member of the public body. Other factors to consider include:

- whether you are either explicitly or impliedly allowing others to use public body facilities improperly;
- how the resource you are using is funded (for example, who pays for any transport or administrative support); and
- whether the resource is being used solely for you to carry out official public body business or for an activity which has expressly been authorised by your public body, or whether you are using it for something else as well.

A complaint alleged that a member used his public body's email account and computer to submit a tender application to another public body on behalf of his private consultancy business. It was found that the member had breached the provisions in the Code prohibiting the improper use of public body facilities.

A complaint alleged that a member asked employees in her public body's print room to print a substantial number of posters and flyers advertising a function being held to raise money for an external charity. While it was noted that the print room employees could have declined the request, the fact that it was made by a board member had made it difficult for them to do so. The Panel accepted that while the member had gained no personal benefit, she had nevertheless breached the Code.

A complaint alleged that a councillor had used Council facilities to send an email in relation to an application for planning permission submitted by his own company. He was found to have breached the provision in the Code concerning the improper use of Council facilities.

Dealing with my Public Body and Preferential Treatment

103 As a member, you must avoid conduct which seeks to further your own personal interests, or the interests of others you are connected to. You must also avoid conduct that may give the impression you are seeking preferential treatment. This can include when you are dealing with fellow members, as well as employees. The test is not only whether it is your intention to seek preferential treatment but also whether a member of the public, with knowledge of all the relevant facts, would reasonably consider that preferential treatment is being sought. You should note that seeking preferential treatment can be a breach of the Code, regardless of whether any action is taken as a result. Factors to consider include whether you are asking employees to:

- act in a way that suggests you are seeking preferential treatment for yourself or others;

- undertake work or do a task that is outwith their normal duties (unless prior approval has been given by the employee's line manager). As a member, you are in a position of influence and, as such, it may be difficult for an employee to refuse a request, even if they have concerns that it may not be appropriate for them to agree.

104 Paragraphs 3.28 to 3.30 of the Code are designed to ensure there is transparency in your dealings with employees of the public body. There is an onus on you to advise employees of any connection you may have to a matter when seeking advice, assistance or information whether within or outwith a formal meeting of the public body or its committees. This applies equally in circumstances where employees are seeking advice, assistance or information from ~~you.~~you. These obligations apply to you whether you are in written or verbal communications with employees.

105 You should not assume that employees will be aware, or will remember, any personal interest you have in a matter, when you are seeking their advice, assistance or information. It is important that you identify any connection as it may be that it is inappropriate for the employee to provide you with advice, assistance or information on the matter, if your connection is one that could amount to declarable interest. For more information on what is meant by 'connection' and a 'declarable interest' in this paragraph, see the further guidance provided under Section 5 (Declaration of Interests).

A complaint alleged that a member of an NHS board sought preferential treatment when contacting employees about a close relative's place on a waiting list for hospital treatment. In contacting the employee, the member had sought information which would not normally be available to members of the public. The member had also sought to exert influence in asking that the relative's treatment be expedited. It was found that the member's actions amounted to attempts to seek preferential treatment in breach of the Code.

A member asked an employee for their login details so they could log into a case management system in order to check the progress of a complaint made by a close friend. The employee in question refused to share the login details. However, the member was found to have breached the preferential treatment provision of the Code by virtue of their actions in seeking to gain entry to a case management system that they would not otherwise be allowed to access. While the member would have been entitled to ask for an update on the status of the complaint, the case management system contained personal data and confidential information to which the member was not entitled.

A firm, in which a councillor was a partner, submitted a planning application for a wind turbine. The Panel heard that the councillor sent two emails from his council email address, signed off by him as a councillor, to members of the planning committee that was due to consider the application. In his emails, the councillor outlined a number of points in favour of the planning application. The Panel determined that members of the public would reasonably conclude that, by sending the emails from his council email address and signing them off as a councillor, he was using his position as a councillor to seek preferential treatment. The councillor was found to have breached the Code.

Appointments to Outside Organisations

106 Public bodies may, on occasion, appoint or nominate their board members to outside bodies. If you are appointed or nominated to an outside body, you are still bound by the Code, but you will also have responsibilities as a member of the outside body. These responsibilities may potentially include personal liabilities and could also give rise to conflicts of interest. Such conflicts may arise through competing personal interests, or the competing interests of the respective organisations of which you are a member. You need to consider carefully whether you can accept such appointments in each case. Public bodies also need to consider these issues carefully when deciding which board members should be appointed or nominated to outside bodies.

107 You should be aware that you may need to register, in terms of Section 4 of the Code, your membership of another body. That membership could also amount to an interest that would require to be declared in terms of Section 5. More guidance in this regard can be found in the notes below on Sections 4 and 5.

108 If you are appointed or nominated by your public body to an outside body, as a director or a trustee, you will assume legal responsibilities as an individual. These legal responsibilities, as a director of a company, arise by virtue of the Companies Acts, and / or as a charity director or trustee by virtue of the Charities and Trustee Investment (Scotland) Act 2005 (if the outside body is a registered charity). The Office of the Scottish Charity Regulator has up to date guidance on the latter scenario at: https://www.oscr.org.uk/guidance-and-forms/guidance-and-good-practice-for-charity-trustees/. If appointed or nominated to an outside body, you should ensure that you are clear about the role and the responsibilities you will have to it as an individual. You will also have to act in the outside body's best interests and, as a member, will be bound by the provisions in any code of conduct it has adopted, when acting as such.

109 If you have any doubts about your responsibilities or concerns about the impact of an appointment to an outside body on your ability to adhere to your public body's Code, you should seek advice before accepting such an appointment or before any meeting at which appointments are to be made. Advice can be sought from your public body's employees or, if appropriate, from employees of the outside body.

SECTION 4: REGISTRATION OF INTERESTS

110 This section of the Code is intended to give members of the public confidence that decisions are being taken in the best interests of the public and not those of you or your family, friends or personal associates.

111 The Register is intended to be a public record of the interests that might, by their nature, be likely to conflict with your role as a member.

112 The fact that you have subsequently declared a registrable interest at a meeting would not necessarily be a defence to a complaint that you breached Section 4 of the Code by failing to register it. Accordingly, you should be as transparent and careful as possible when considering which interests you are required to register.

113 The Register should cover your whole term of office and, if any terms of office are consecutive, then the entire period that you have been a member of the public body. Should an interest no longer apply (for example if you cease to receive remuneration through employed work during your term of office), the entry should still be listed in the Register and retained for the whole term of office. However, you should amend the Register to reflect the change of circumstances, e.g. "management consultant from ~~xx/xx/2019~~ xx/xx/2022 until ~~xx/xx/2020".~~ xx/xx/2024".

114 You should be aware that the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Amendment (No. 2) Regulations 2021 (the 2021 Regulations) state that public body employees must retain the record for a period of five years after the date a member ceases to be in office.

115 You are required by the 2021 Regulations to update your entries in the Register of Interests within one month of your circumstances changing. While your public body may issue a reminder annually or even on a more frequent basis, it is nevertheless your personal responsibility to ensure your entry is updated within one month of a new interest arising or of your circumstances changing. You should also ensure that you review all your entries in the Register at least once a year, even if you think nothing has changed.

116 For categories where the Code does not specifically mention the level of detail to be registered, it is for you to decide. In making such a decision, you should observe the key principles and, in particular, those of selflessness, integrity, openness and honesty. You should ensure you have provided enough information for a member of the public to be able to understand the nature of the entry in your Register without having to undertake any research. A failure to include sufficient information for an entry to be understandable could amount to a breach of the Code. For example, if you are registering employment, you should include the full name of your employer, not just an abbreviation. You should ensure your Register is amended timeously if you have made a mistake with an entry (such as recording the name of an employer incorrectly). You may wish to keep a note of why you have made an amendment, in case anyone questions this.

Category One: Remuneration

117 Paragraph 4.4 of the Code states that you must register any work for which you receive, or expect to receive, payment or reward. The level of remuneration, or how much you receive, does not matter in terms of whether an entry needs to be made under this category. This means paid work, no matter how casual or trivial in nature, requires to be registered. You are only required to register work for which you have received remuneration or are due to receive payment or reward (if you have undertaken the work and are awaiting ~~payment).~~payment). For the avoidance of doubt, you do not need to register the reimbursement of expenses.

118 You do not need to state the exact job title of any remunerated post you hold as an employee, but you should provide a description that allows a member of the public to understand the type of role. For example, you could state:

"Since 2019, receive an ongoing salary as a part-time customer service agent for X+Y Limited, being an IT consultancy firm"; or "receive hourly rate payment for one day per week self-employed work for GreenFingers, being the trading name of my landscape gardening business which has operated since 2016"; or "received two fixed payments for writing two articles, published in May and September 2021 for Z, a trade magazine".

119 'Undertaking' is defined in Annex B of the Code as (a) a body corporate or partnership; or (b) an unincorporated association carrying on a trade or business, with or without a view to a profit. 'Body corporate' includes entities such as companies, limited liability partnerships and, potentially, Scottish Charitable Incorporated Organisations. 'Unincorporated associations' includes clubs, societies, and mutual associations. The key as to whether an interest is registrable under this category is whether you carry out work for the undertaking for which you receive some form of 'remuneration,' i.e. a wage, salary, share of profits, fee, ~~expenses~~ or other monetary benefit or benefit in kind.

120 Paragraph 4.5 of the Code confirms you do not have to register any work that you carry out on behalf of the public body in your capacity as member. This includes any additional remuneration you receive to reflect any additional responsibilities you undertake for your public body, such as chairing a committee, or being the lead voting member on a health and social care integration joint board (IJB). However, any remuneration received as an employee of the body would need to be registered.

121 Paragraph 4.10 of the Code indicates that you should register 'any other work' besides a trade, profession or vocation. Such work might include freelance work that you undertake for a particular sector, or a paid consultancy, or educational or training courses you provide in return for payment.

Category Two: Other Roles

122 If you have been appointed as a member of an outside body (including where you have been nominated or appointed by your public body), you should ensure that the membership is registered in your Register of Interests either under Category One: Remuneration (if the position is remunerated) or under Category Eight: Non-Financial Interests (if the position is not remunerated).

123 If you hold an unremunerated directorship in an undertaking, and you are remunerated by a parent or subsidiary of that undertaking, you should register the unremunerated directorship under 'Other Roles.' For the sake of transparency, you should register the name and registration number of both undertakings, and the relationship between the two. Your remuneration in the parent or subsidiary undertaking should also be registered under Category One: Remuneration.

Category Three: Contracts

124 You must register an interest under this category where:

a. you as an individual; or

b. an undertaking that you have a substantial interest in either as a partner, director or shareholder (where the value of shares you hold is as described under Category Four: Shares and Securities)

has an upcoming or ongoing contract with the public body for the supply of goods or services, or for the execution of works. You do not need to state the value of the contract.

This category may overlap with Category One: Remuneration. If so, you should add an entry under both sections, for transparency. An example of the detail required would be as follows: Director and shareholder of cleaning company which has a contract with MidScotland College to valet the college's vehicle fleet. Contract start date: 1 February ~~2010.~~2020.

Category Four: Election Expenses

125 'Donations' towards election expenses covers all monetary donations, including any received via crowdfunding, if individual contributions (including any from the same source) amount to more than £50.

Category Five: Houses, Land and Buildings

126 You should note that you are only required to register an interest in a house, land or building if the objective test is met. If you are required to register an interest under category five (in terms of paragraph 4.18 of the Code), you will need to provide your public body's Standards Officer with the full address of the house, land or buildings you own or in which you have any other right or ~~interest in.~~ interest. However, there is no requirement for any full address you provide to be disclosed on your public body's website or otherwise made publicly available. This means it is sufficient for the purposes of your publicly available register to simply identify where the property is located. For example, if you were a member of a national park authority, it would be sufficient to state: "I own a residential property located within X National Park".

127 Examples of other rights you may have in houses, land and buildings may include a right as a tenant, an agricultural tenant, as a trustee or beneficiary of a trust, or through a liferent. While it would not include testamentary or succession interests, it could include a matrimonial home or other permanent residence (even if you own another property), if the objective test is met.

Category Six: Interest in Shares and Securities

128 'Shares and securities' is intended to cover all types of financial investment models, including stocks, bonds, options, investment trusts, and other forms of part-ownership, including equity and debt ownership.

129 You have a registrable interest, in terms of paragraph 4.20(a) of the Code if, at any time, you own, or have an interest in more than 1% of the issued share capital of a specific company or body, provided the shares and securities in question are significant to, relevant to or bear upon the work or operation of your public body.

130 It should be noted that while the 2021 version of the Code does not contain a qualification stating that you are only required to register any interest in shares and securities under paragraph 4.20 if they are significant to, relevant to or bear upon the work or operation of your public body, the Scottish Government has confirmed that this is the case. A copy of the Scottish Government's letter to Devolved Public Bodies can be found at: https://www.standardscommissionscotland.org.uk/codes-of-conduct/members-model-code-of-conduct

131 You have a registrable interest, in terms of paragraph 4.20(b) of the Code if, at the relevant date, the market value of any shares and securities (in any one specific company or body) you own or have an interest in is greater than £25,000, provided the shares and securities in question are significant to, relevant to or bear upon the work or operation of your public body. The 'relevant date' is defined in Annex B of the Code as the date you were appointed as a member, and on 5 April each year following your appointment.

132 For example, you are appointed as a board member of MidScotland College on 7 June 2021. For the purposes of paragraph 4.20(b) of the Code, 7 June 2021 is the first 'relevant date' on which you must consider the market value of your shares and securities. If, on 7 June 2021, the market value of any shares and securities (in any one specific company or body) you own or have an interest in is greater than £25,000, you must register that shareholding if it is significant to, relevant to or could bear upon the work or operation of the college. Thereafter, the next 'relevant date' on which you must consider the market value of your shares and securities is 5 April 2022, and then 5 April each following year.

133 An interest under shares and securities will also include investments made under self-invested pension plans provided, at the relevant date, they are either more than 1% of the issued share capital of a specific company or body or are greater than £25,000. This is provided the shares and securities in question are significant to, relevant to or bear upon the work or operation of your public body. However, you do not need to declare an interest in your public body's pension fund (if applicable).

134 In relation to paragraph 4.20 of the Code you will have a registrable interest as a trustee, (either as an individual or jointly with other trustees), where you have an interest as a beneficiary of the trust and where the benefit is greater than 1% of the trust's value or the value of that benefit is greater than £25,000.

Category Seven: Gifts and Hospitality

135 The default position is you should refuse gifts and hospitality, except in very limited circumstances ~~(see~~ outlined in paragraphs 3.13 to 3.21 of the ~~Code).~~ Code. However, if you have accepted and registered gifts and hospitality under the previous versions of the Code, these should remain on your Register of Interests for the term of office.

Category Eight: Non-Financial Interests

136 When considering whether you have a registrable non-financial interest, you should bear in mind that the test is whether the interest is one which members of the public might reasonably think could influence your actions, speeches, decision-making or voting in the public body. An example of this might be membership of a society. You should consider whether such membership might lead members of the public to reasonably conclude that it could influence your actions, speeches, decision-making or voting, in terms of paragraph 4.22 of the Code. If so, you should register the interest.

137 A non-financial interest could include membership of a private society or private club, which has entry requirements or qualifications for membership. A relevant factor is whether the organisation has entry requirements or qualifications (other than payment of a fee or subscription or agreement to terms and conditions of membership), as opposed to being open to ~~all.~~all. Further relevant factors could include whether you are an active member, and also whether you are an officeholder (given an officeholder might be more likely to interact with your public body on behalf of the body, club, society or organisation). You may also wish to consider whether a failure to register the interest could be viewed as a deliberate omission.

138 In order to ensure you are being as transparent as possible, you should consider erring on the side of caution. You are reminded that any non-financial interest registered under Category Eight of the Code, is a connection in terms of Section 5 of the Code. That means you will have to consider whether it also needs to be declared, if the objective test is met, in terms of paragraph 5.5 of the Code.

139 You should bear in mind that the examples of possible non-financial interests stated in paragraph 4.22 of the Code are illustrative only and, therefore, are not an exhaustive list of potential non-financial ~~interests.~~interests. Others could include membership of, or participation in, community groups or advocacy bodies and relationships with groups who could potentially be impacted by, or benefit from, decisions taken by your public body (such as sports clubs or conservation groups).

Category Nine: Close Family Members

140 Paragraph 4.23 of the Code is intended to help ensure that your public body complies with accounting standards that require a public body's accounts to disclose the possibility that its financial position may have been affected by any related party transactions. Such transactions include contracts for the supply of goods and services, and the execution of works. While you are also required to declare the financial interests of others under paragraph 5.5 of the Code, if the objective test is met, there is a risk that your public body's finance team may not realise that you have done so when preparing the accounts. You are, therefore, required to register the interest of any close family member who has transactions with your public body or is likely to have transactions or do business with it. This is to ensure there is transparency in respect of any potential influence that anyone close to you, in your capacity as a member of your public body, may have over a transaction your public body has been involved in that, in turn, had an impact on its overall financial position.

141 The Code does not define what is meant by 'close family member' as this will depend on your individual circumstances, but it is likely that a spouse, cohabitee, partner, parent and child would be considered to fall within this category. You do not need to disclose the family member's name or any other personal data in the register; it is sufficient for you to identify the relationship and nature of the transaction. For example, "my son is a partner in a law firm that has a contract to provide legal services to the health board".

142 The fact that a close family member may be employed by your public body would not be considered a transaction or business for the purposes of Category Nine. Therefore, while such a connection could amount to a declarable interest under Section 5 of the Code, it would not require to be registered.

A board member of a Regional Transport Partnership (RTP) failed to register his membership of a prominent cycling pressure group. The Panel found that a member of the public with knowledge of the membership of the pressure group might reasonably think that the member's actions and decision-making at the RTP would be influenced by that interest. As such, the Panel determined it was an interest that should have been registered as a non-financial interest under Category Eight.

A member failed to register that they received a one-off payment for writing an article in a trade magazine. The article was published and payment was received after the member's appointment to the board of her public body. The Panel accepted that the failure to register was inadvertent, but nevertheless found that a breach of the Code had occurred.

A member failed to ensure his one-third shareholding in a company was registered correctly and timeously. While the Panel accepted that there was no intention to mislead or deceive, and that neither the member nor the company had gained any benefit from the oversight, he was nevertheless found to have breached the Code.

A complaint alleged that a councillor failed to register a financial interest in respect of her remunerated employment as an office manager with a member of the Scottish Parliament. The Panel noted that the councillor had publicly announced, via a posting on a social media site, that she would be working for the MSP. While it was accepted that this demonstrated there was no evidence of any deliberate attempt to conceal the employment, the councillor was nevertheless found to have breached the Code.

SECTION 5: DECLARATION OF INTERESTS

143 The requirement for members to declare certain interests is a fundamental requirement of the Code. A failure to do so removes the opportunity for openness and transparency in a member's role and denies the public the opportunity to consider whether a member's interests may or may not influence their discussion and decision-making.

144 Should you be in any doubt about the legal implications of your participation in a public body discussion or decision, you should seek advice from your Standards Officer, Chair or Chief Executive before taking part.

Stage 1: Connection

Paragraph 5.1

145 In your work as a member, you will have connections with a great number of people and organisations. In the same way, your financial affairs, employment and property holdings - or those of individuals close to you or bodies you are involved with - will sometimes mean that you have a connection to a matter that your public body is considering, in some way.

146 Such connections will not always amount to an interest that you are required to declare. However, you should always consider whether this is a possibility, in the context of your role as a member and in respect of any specific matter you are being asked to consider. You should always err on the side of caution, and if you are in any doubt you should consult your public body's Standards Officer.

147 It should be noted that a subject that may apply to a large proportion of the general public would not generally be considered to give rise to a connection for the purposes of the Code. For example, being a taxpayer, or being in receipt of a state pension or universal credit.

Paragraph 5.2

148 The Code cannot provide for every type of relationship that could result in a connection, as this will depend on the facts and circumstances; for example, how close you are to the individual in question and how often you see them. It should be noted, however, that certain relationships such as spouse, partner, cohabitee, close friend, parent or child are likely to result in a connection.

149 It is impossible to list every type of connection you could possibly have with a matter involving or to be considered by your public body. However, some common examples would include:

- your public body considering some form of financial assistance or decision that could have a direct effect on an organisation you, your partner, or someone close to you works for;
- your membership of another body or organisation that is seeking to agree a contract with your public body;
- some form of personal connection with a person making an application, or a complaint, to your public body.

150 The Code does not restrict the ability of a public body to benefit from the knowledge and experience of its members. Having knowledge or experience of a matter that is to be considered by your public body is not necessarily a connection. For example, if your public body is considering tenders received for the provision of a new IT system, your knowledge and experience as an IT specialist would not be considered a ~~connection.~~connection. Similarly, a subject that may apply to a large proportion of the general public would not generally be considered to give rise to a connection for the purposes of the Code. For example, being a taxpayer, or being in receipt of a state pension or universal credit.

151 It is also recognised that some members are appointed to public bodies in a representative capacity. For example, carer or third sector representatives on Health and Social Care Integration Joint Boards, or student representatives on a college board. Being appointed to a board in a representational capacity or for a particular reason is not in itself a connection. For example, being a carer representative on a health and social care integration joint board (IJB) would not be considered a connection in respect of all matters before the IJB that could affect carers. Such a representative may have a connection (that in turn could amount to a declarable interest if the objective test is met), if the specific matter being considered or discussed by the IJB affected them directly and individually.

Paragraph 5.3

152 Paragraph 5.3 of the Code makes it clear that anything you have registered as an interest in terms of Section 4 of the Code (Registration of Interests) would be considered a connection for the purposes of Section 5.

Paragraph 5.4

153 You should also be mindful of the specific responsibilities you have to different bodies and be aware of the potential for conflicts of interests between your different roles. Membership of a body you have been appointed or nominated to by the public body, as its representative, would not normally be a connection.

154 However, this does not apply where the matter being considered by your public body is quasi-judicial or regulatory in nature. An example of where you would have a connection as a member of a different body would be where the other body has applied for a licence or consent from

your public body, or is an objector to such an application. This is regardless of whether or not you actively participated in the decision by the other body to make the application or objection.

155 In terms of being a member of an outside body, the Code also states you may have a connection where you have a personal conflict, either by reason of:

a. your actions;

b. your connections (other than your membership of the outside body); or

c. your legal obligations.

156 An example of where you may have a personal conflict, and therefore a declarable interest, by reason of your actions could be where, just before being appointed to your board, you made critical comments in the press about another organisation's wastefulness in terms of expenditure. If, following your appointment, the other organisation makes a funding application to your public body it is likely that your actions may have resulted in you having a personal conflict.

157 An example of where you may have personal conflict by way of a connection (other than solely from your membership of the outside body) would be where your partner works for the outside body, and the body is seeking funding from the public body for its operations that could have an impact on your partner's job.

158 Examples of where you may have a personal conflict as a result of legal obligations would include where you are either a director of a company or a charity trustee. Both the Companies Acts and the Charities and Trustee Investment (Scotland) Act 2005 impose obligations on you to act in the best interests of the company or charity, and those obligations may conflict with your role as a member. If you are in doubt as to what your legal obligations are to the outside body, you should seek advice from its legal advisers.

Stage 2: Interest

Paragraph 5.5

159 Having decided that you have a connection to a particular matter, you should apply the objective test to that connection to decide whether it amounts to an interest that requires to be declared.

160 The objective test outlined in paragraph 5.5 of the Code assumes that a member of the public has knowledge of the relevant facts. The question you need to consider is whether a member of the public, with this knowledge, would reasonably regard the connection as so significant that it would be likely to prejudice your discussion or decision-making in your role as a member. If the answer is yes, the connection is an interest which you should declare.

161 At all times when applying the objective test, you should be aware that it is just that – objective. The test is not what you yourself know about your own motivations and whether the connection would unduly influence you: it is what others would reasonably think, if they were in possession of the relevant facts. Relevant facts would include the nature and extent of your connection, and the nature and extent of the specific agenda item to be discussed or determined by your public body. For example, a relevant fact would not just be that you knew someone who was connected to a matter to be discussed. It could include be how well you know them and in what capacity. ~~A~~ The relevant ~~fact~~ facts could also include whether your board is being asked to discuss and determine a matter, or whether it is simply being asked to note a decision taken by employees. Relevant facts could ~~also~~ further be the composition of your board, and the role and remit of your public body.

162 There may be instances where, having applied the objective test, you consider the connection is so remote and insignificant that you do not think it amounts to an interest. Examples might be where a charity to whom you occasionally donate ~~to~~ is seeking funding from your public body, or when a neighbour with whom you have little social contact ~~with~~ works for a company that has a contract to provide cleaning services for the building where your public body's offices are located.

A complaint alleged that a member of a public body sat on the Appointment Panel for the recruitment of a new Chief Executive, despite being a close friend of one of the candidates. Having reviewed all evidence, including that given by witnesses at the Hearing, the Panel determined that there was no breach of the Code. This was because there was no evidence that the member's association with, or connection to, the candidate in question went beyond a limited professional relationship or that they had engaged in any contact outside a work setting. The Panel concluded that a member of the public, with knowledge of these relevant facts, would not reasonably regard the member's connection as being so significant that it would be considered as being likely to influence their discussion or decision-making. As such, the connection did not amount to an interest that would require to be declared for the purposes of Section 5 of the Code.

A member of a health board took part in a discussion about snagging issues in respect of the construction of a new hospital, despite having previously been engaged in a claim for legal damages against a subsidiary of the construction company, in respect of a private property. Having applied the objective test, the Panel determined that while the member had a connection to the company, this did not amount to a declarable interest. This was because the Panel did not consider that a member of the public, with knowledge of the relevant facts (being the fact that the legal dispute had concluded and was against a subsidiary company), would reasonably regard the member's connection to the matter as being sufficiently significant as to be likely to influence her discussion on the snagging issues in her role as a member.

163 Section 3 of the Code sets out the very limited circumstances in which you would accept gifts and hospitality. As you must apply an objective test when deciding whether or not to accept any gift or hospitality being offered, it would be unusual for such a gift or hospitality to be so significant that it would constitute an interest.

164 When making a declaration of interest you only need provide enough information for those at the meeting to understand why you are making a declaration. For example, it may be sufficient to say: "I declare an interest as my partner is a member of the organisation making the application". You might not necessarily need to provide details about how long your partner has been a member and in what capacity.

165 You must disclose or declare your personal interests both in formal and informal dealings with public body employees and other members, not just in formal board or committee meetings. This is an important consideration, especially when you are seeking advice or assistance from public body employees or other sources. You should not assume that employees and others will know or will remember what your interests are.

166 You should be mindful of the need to protect the confidentiality of another person's business or financial interests when making a declaration of interest. You are only required to provide enough information to make it clear why you consider you have a clear and substantial interest.

A complaint alleged that an NHS board member took part in a discussion at a meeting on a review of child health and medical paediatric inpatient services at a local hospital, where a freedom of information (FoI) request and press coverage were considered. This was despite being aware that an FoI request had been submitted to the Health Board on behalf of his employer, who was an MSP. The employer, who had an interest in retaining certain services under consideration, had previously raised the issue in the Scottish Parliament and had made public statements in the press. The Panel considered

that members of the public, with knowledge of the member's employment, the issues and concerns raised by his employer and the nature of the matters to be discussed at the meeting (being the relevant facts), would reasonably conclude that the member's connection was sufficiently significant as to be likely to affect his discussion and decision-making at the meeting. It was found that the member's failure to declare an interest amounted to a breach the Code.

~~*A complaint alleged that a member took part in a discussion at a NHS Board meeting on review of child health and medical paediatric inpatient services at a local hospital, where a freedom of information (FoI) request and press coverage were considered. This was despite being aware that an FoI request had been submitted to the Health Board on behalf of his employer, who was a Member of the Scottish Parliament. The employer, who had an interest in retaining certain services under consideration, had previously raised the issue in the Scottish Parliament and had made public statements in the press. The Panel found that the member had failed to apply the objective test as, had he done so, he would have realised that in taking part in the discussion, where issues and concerns that were similar to those raised by his employer could be raised, a member of the public with knowledge of the relevant facts might reasonably conclude that he could be influenced by his employer. The Panel concluded that the nature of an employee / employer relationship could not reasonably been considered to be remote or insignificant. The member was found to have breached the Code.*~~

A complaint alleged ~~that~~ a member ~~had not declared~~ failed to declare an interest at a board meeting where reports were presented about the public body's contribution towards the funding of certain voluntary organisations, one of which ~~included~~ was her employer. This was despite ~~her~~ the member's employer having been mentioned specifically in reports considered at the meeting in question. It was found that the member should have applied the objective test, declared a non-financial interest and taken no further part in the discussions and decision-making at the meeting. She was found to have breached the Code.

A college board was considering a plan for the restructuring of the college's academic faculties. Though the exact details of the restructuring were not yet finalised, it was likely that the plan would result in a number of job losses. A board member, who had a close friend employed as a lecturer in one of the faculties potentially under threat by the restructuring, failed to declare that friendship as an interest. By failing to declare the interest, the Panel found that the member had breached the Code. Although it was not certain that the restructuring would have resulted in the loss of his friend's job, ~~a member~~ it was considered that members of the public, with knowledge of the relevant facts, ~~could~~ would reasonably have regarded the member's friendship as being sufficiently significant as to be likely to prejudice ~~the~~ his discussion and decision-making ~~related to~~ on the ~~restructuring.~~ plan.

Stage 3: Participation

Paragraph 5.6

167 If you decide that you should declare an interest, you should do so at the earliest opportunity. If you only realise a declaration is necessary when the discussion in respect of a matter is underway, you may wish to consider whether you should provide a brief explanation as to why you had not realised you had an interest at the outset of the meeting.

168 Thereafter, when the item is being considered, you should leave the room (unless those still taking part in the consideration of the matter retire to a separate room). It is not sufficient for you to retire to the back of the room or the public gallery. If the meeting is being held online, you should retire to a separate breakout room or leave and re-join after the discussion on the matter has concluded. It is not sufficient for you to turn off your camera and / or microphone for the duration of the matter.

169 You should not give anyone reason to doubt that you are no longer in any position to influence the outcome of deliberations on the relevant item either directly or indirectly. This means that

you should refrain from contacting your member colleagues remotely (for example by email or text) while they are considering the item.

A member who was involved in a decision regarding whether to retain paediatric A&E services at a specific hospital, made a declaration of interest stating that their partner was a nurse in the A&E department in question. The member's declaration was noted and they were asked to leave the meeting, which was being held online. However, instead of fully leaving the online meeting, the member simply switched off their camera, meaning that they were still able to see and hear the proceedings. The member then sent WhatsApp messages to their colleagues on the board, outlining further arguments as to why the A&E services should be retained. The Panel found that the member had breached the Code.

Part of the agenda for a public body's board meeting dealt with consideration of a proposed memorandum of understanding between the public body and a university. At the outset of the board meeting, a member, who was also Chancellor of the university in question, declared an interest. When the agenda item arose, the member excused themselves from the board meeting and left the room, returning only when discussion of the memorandum had completed. The member's declaration, together with the fact they had left the meeting, was documented in the board minutes. The member had, therefore, acted in accordance with the Code.

170 Where ~~the~~ an interest only ~~interest is in relation to an item included in~~ concerns an agenda ~~which~~ item that is before the public body or one of its committees, for noting or formal approval, no declaration is required unless it is then decided that the item needs to be discussed or debated as a substantive issue.

171 You are reminded that, when considering whether a declaration of interest is appropriate or the effect of making a declaration in terms of the actions you are then required to take, you should refer to the full provisions of the Code. The Standards Commission has produced an Advice Note for Members on How to Declare Interests, which can be found at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

172 You may wish to check that any declaration of interest you have made at a formal meeting is recorded in the minute with the relevant agenda item identified. For example: "Ms A declared an interest in relation to the funding application at Agenda Item 16 as she is a director of the company making the application. Ms A therefore left the room and took no part in the discussion or decision-making on that item".

Paragraph 5.7

173 If, having applied the objective test, you decide a connection you have to a matter does not amount to a declarable interest, you may wish to explain why. This can be helpful if you suspect that members of the public may be aware of your connection, but may not have knowledge of all the relevant facts.

~~**173** You may wish to think about whether you should indicate why you consider any connection you have to a matter does not amount to a declarable interest. This is particularly if you know that members of the public are aware of your connection, but where you suspect they may not have knowledge of all the relevant facts.~~

174 In ~~those~~ such circumstances you might want to make a transparency statement (although a failure to do so would not amount to a breach of the Code). For example, you could state: "I have a connection to this item by reason of… However, having applied the objective test I do not consider that I have an interest to declare. This is because…". If you think it would be helpful, you can ask the employees who are clerking the meeting to note your transparency statement

in the minutes. Similarly, you may wish, for the sake of transparency, to state that you were offered, but turned down, a gift or hospitality.

175 You should note, however, that transparency statements are not intended to be an alternative to declaring an interest when such a declaration would be required. You must always apply the objective test to any connection and if, having applied the test, you determine that connection amounts to an interest, you must declare that interest and withdraw ~~as~~ (as explained ~~above.~~above).

Paragraph 5.8

176 The Standards Commission can consider requests for dispensations in certain circumstances, either from ~~a member as~~ or on behalf of an individual member, or ~~to~~ from or on behalf of a class or ~~description of members who are affected by a particular~~ category of members, who would otherwise be required to declare an interest.

177 Any application for a dispensation should be submitted either by email to enquiries@standardscommission.org.uk or by mail to the Executive Director, The Standards Commission for Scotland, Room T2.21, The Scottish Parliament, Edinburgh, EH99 1SP. Any application should detail all the relevant information, including the reasons why a dispensation is sought. Factors to consider before making ~~the~~ any such an application include whether:

- it would be in accordance with both the spirit and intent of the Code to grant the dispensation; and
- you have provided sufficient reasons for the request, including what the effect or consequence would be if it was not granted.

178 In considering any dispensation request, the Standards Commission will consider information provided in respect of the two points above, and also whether any connection outlined would be likely to be sufficiently significant as to amount to a declarable interest when the objective test is applied.

179 It should be remembered that a subject or category that may apply to a large proportion of the general public would not generally be considered to give rise to a connection for the purposes of the Code.

180 The Standards Commission will respond as soon as practicable after receipt of all information, usually within 20 working days. Where an application for dispensation relates to a specific item of business, the Standards Commission will endeavour to respond before the meeting in question. However, Standards Commission Members work on a part-time basis, so this may not always be possible. As such, all applications should be submitted to the Standards Commission as soon as the relevant information / circumstances are known.

181 If a dispensation is granted, you should state this at the meeting, and ask for it to be recorded in the minutes.

Paragraph 5.9

182 There is no definition for what may constitute a 'frequent' declaration of interest in terms of paragraph 5.9 of the Code, as this will depend entirely on the specific facts and circumstances of each case and how often the matter in which you have an interest is discussed by the public body. For example, declaring the same interest at four meetings of a public body that only meets on a quarterly basis might be considered 'frequent'. However, this may not necessarily be the case if the public body met twice a month and discussed the same matter in which you have an interest at a few consecutive meetings.

SECTION 6: LOBBYING AND ACCESS TO BOARD MEMBERS

183 As a member, you will be approached by those wishing to make their views known. This is perfectly legitimate and should be encouraged, as it is important that individuals are able to engage with public bodies. Section 6 of the Code outlines what you can and cannot do when you are approached and lobbied by individuals or groups intent on making their views known.

184 Paragraph 6.1 of the Code sets out some of the ways in which you, as a member, may be lobbied. For example, you may be lobbied by a service user on a personal issue, such as the service your public body is providing. You may be approached by someone seeking financial or other benefit from the public body, either by way of a contract for goods or services, or some form of licence or consent.

185 It is easy for the lines between these different types of approach to become blurred, particularly when you are dealing with casework or regulatory matters, such as planning or ~~licensing.~~ licensing applications. It is important to recognise, however, that the integrity and reputation of the public body's decision-making process depends on openness, transparency and following proper process. There is a risk that private meetings with lobbyists, particularly those that fall outwith the public body's procedures, and where employees are not involved, will undermine or could reasonably be perceived as undermining this.

186 Lobbyists can expect to deal with public body employees at certain stages of an application process. If you are seen as facilitating an approach outwith the normal process, there may be a perception that you have allowed the lobbyist special access to the decision-maker and that you are bypassing employees. As such, if you are approached by anyone about a pending decision of any kind, you should advise the employees who are dealing with the matter and give them all relevant information.

187 Paragraph 6.5 of the Code notes that if you have concerns about the approach or methods used by any person or organisation in their contacts with you, you can seek the guidance of the Chair, Chief Executive or Standards Officer. You can also seek advice from a colleague or external advice, as you deem appropriate.

188 Discussing the information you have received from lobbyists with employees will give you an opportunity to establish if it is something that they were not aware of and / or if it is relevant to any decision you will be making. It may be that lobbyists will present information in a way that is favourable to their case, but which does not give the complete picture. Employees can give you professional advice on what may or may not be a relevant consideration in respect of any decision you will be making.

189 Even if you do not make casework or regulatory types of decisions, there are still likely to be issues under the Code that you will need to consider. In particular, it would be a breach of the Code for you to lobby employees who are making decisions on casework or contracts, either on your behalf, or on behalf of others.

Service User Enquiries

190 As a member of a public body, you have a representative role and, as such, may be approached by service users. Allowing service users to advise you of their views, including any concerns, helps ensure the public body is perceived as being open, accessible and responsive to the needs of the public. When you respond, you should be mindful of the need to treat everyone with respect, and to otherwise promote the key principles outlined in Section 2 of the Code. In some cases, however, you may feel that there is nothing further to be gained by responding to a service user and that you are not able to help them further. In those circumstances, you should

politely inform the service user accordingly. It should be noted that there may be circumstances where it may be better to refrain from responding at all (for example, if the service user is the ~~case.~~subject of action under any Unacceptable Actions Policy). If you are in doubt, you should seek advice from the Standards Officer.

191 You are entitled to raise a service user's enquiry with the relevant employee, although you should, at all times, follow your public body's policies on the processing of personal data. You can ask questions about how a service has been delivered, and can seek information on progress on behalf of a service user, but you should be careful not to stray into operational management ~~(for~~ by making repeated enquiries about the same matter or trying to direct employees into taking any action. For more advice on this, please see the Standards Commission's Advice Note for members on distinguishing between their strategic role and any operational work, which can be found at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

192 You should be aware of the distinction between a service user's request for service (or for information about a service), and a complaint about a service received. In the latter case, you should recommend that the service user makes use of the public body's complaints handling procedure (based on the Scottish Public Services Ombudsman's Model Complaints Handling Procedure, if applicable), as this enables common patterns of complaint to be identified, and enables a complainer to escalate their complaint to the Scottish Public Services Ombudsman, if necessary and as appropriate.

193 Inevitably there will be occasions where the service user looking for your help is also a public body employee. While they are entitled to do so as a private individual in the same way as any other service user, you should decline to get involved in anything which relates to their status as an employee (such as performance or attendance management). You are a member of the organisation that employs them, and employment matters should be handled by their line manager or their union representative, as appropriate.

Lobbying

194 Paragraph 6.7 of the Code notes that it is important that you understand the basis on which you are being lobbied in order to ensure that any action taken in connection with a lobbyist complies with the standards set out in the Code and the Lobbying (Scotland) Act 2016. This Act aims to increase public transparency about lobbying and defines particular types of communication as 'regulated lobbying'. ~~From 12 March 2018~~ The Law requires anyone who engages in regulated lobbying ~~must~~ to record details of their activities on a Lobbying Register website. Regulated lobbying only involves lobbying when it takes place face-to-face with:

- Members of the Scottish Parliament;
- Members of the Scottish Government (including the Scottish Law Officers); and
- Junior Scottish Ministers; the Permanent Secretary of the Scottish Government; and Scottish Government Special Advisers.

195 Private meetings with ~~lobbyists -~~ lobbyists- whether professional lobbyists or members of the public seeking your support - can undermine public trust in decision-making processes. It can also have consequences for the lobbyist. For example, a private meeting could disqualify them from the tender process if they are bidding for a public body contract. Private meetings can also involve offers of hospitality, which could lead to a breach of the gift and hospitality provisions at paragraphs 3.13 to 3.21 of the Code.

196 If you are approached by a lobbyist, it is likely that they are seeking your involvement as a lobbyist in turn, whether as a decision-maker or otherwise. It is important to recognise that

there is a difference between lobbying on behalf of a commercial or personal interest, and lobbying for a policy change or benefit which affects a group of people, a community, or an organisational sector. You should always consider what will benefit the public body and its service users as a whole, not just any narrow sectoral interest.

197 You must not, in any case, accept any paid work in which you give advice on how to influence your public body. An example of a breach of the Code in this regard could be if a member of the Standards Commission provided paid consultancy services to a political party in respect of how to best respond to complaints and represent its members at Hearings convened to consider potential breaches of Codes.

198 In all situations, care is needed. You should be guided by the Code and, in particular, ~~consider:~~consider whether:

- ~~could~~ anything you do or say be construed as you having been improperly influenced to take a particular stance on an issue;
- you are ~~you~~ giving, or could you be perceived as giving, preferential access to any one side of an argument;
- when seeking information on the progress of a case or particular matter whether you are ~~you~~ doing so in a factual way or could you instead be perceived as making representations or lending support; and
- you are ~~you~~ reaching your own view on a matter having heard all the relevant arguments and evidence (including the guidance of public body employees), and not simply agreeing or complying with any view expressed by your member colleagues.

199 If you choose to be an advocate for or against a particular cause, you will forfeit your right to be a decision-maker in regulatory or quasi-judicial decisions concerning that cause. If you are approached, you can listen to views expressed but you must make it clear that you cannot lend support or make a decision until the appropriate meeting, when you have heard and considered all relevant and material evidence and information. However, you can:

- advise employees of the representations you have received;
- assist service users in making their views known to the relevant employee;
- seek factual information about the progress of a case; and / or
- advise those that are lobbying who they can contact (being the relevant employee).

A board member introduced a change to her public body's funding application policy, which was subsequently approved by the board. Following board approval, a service user sent the member an email complaining about the policy change. The member referred the service user's email to the Chief Executive for an employee response. The service user complained that the member's failure to respond indicated that she did not want to engage with him and had denied him access. The Panel noted, however, there was no specific obligation under the Code for individual members to respond to all who ~~seek to lobby~~ approach them. The Panel considered that the member had acted appropriately in referring the email to the Chief Executive so that the appropriate employee could respond. As such, it determined that the complaint did not amount to a breach of the Code.

A complaint alleged that a councillor had been involved in a 'secret' meeting with some local residents. The outcome of the meeting resulted in a Traffic Regulation Order (TRO), which ultimately led to the introduction of parking restrictions. The complainer alleged that, by attending the meeting, the councillor had failed to be accessible to the public and had demonstrated bias in favour of some residents. It was established, however, that the councillor had been accompanied at the meeting by an officer from the Council's Roads Services. ~~No~~ There was no evidence ~~was found~~ or suggestion that the councillor had indicated support for or against the making of the TRO, and as such his conduct did not give rise to a breach of the Code.

A complaint alleged that a Health Board member had held an individual meeting with a supplier of medical equipment, despite knowing that the supplier was involved in an ongoing tender process. The member met with the supplier alone, without taking an employee of his public body, and without informing his board in advance that he was meeting the supplier. At the next meeting of the board, the tender applications were discussed and the supplier in question was awarded the contract. The Panel found that by meeting with the supplier alone and by subsequently taking part in the discussions and decision-making over the tender, the member had breached the Code. It was likely that a member of the public, with knowledge of the relevant facts, would perceive ~~that~~ that, by agreeing to the meeting, the member had offered preferential treatment to the supplier compared to the other suppliers involved in the tender.

A member of a board involved in the provision of grant funding accepted payment from a lobbying organisation. At a subsequent board meeting, convened to discuss and decide upon a round of funding, the member posed a number of critical questions and made derisive comments regarding the majority of the funding applicants. The member did not, however, criticise or comment upon an application for funding by a body that transpired to be a client of the lobbying organisation. The Panel found that by accepting the payment from the lobbying organisation, the member ~~had~~ breached the Code and, further, that it was clear from his actions in the board meeting that, in return for the payment, he was attempting to accord preferential treatment to the lobbying organisation's client.

ANNEX A

BREACHES OF THE CODE

Hearings

200 The Standards Commission, after receiving a report from the Ethical Standards Commissioner, (ESC), can decide to hold a Hearing (usually in public) to determine whether a breach of the Code has occurred and, if so, to determine the appropriate sanction. A policy outlining the factors the Standards Commission will consider when making such a decision on a report referred by the ESC can be found at: https://www.standardscommissionscotland.org.uk/cases.

201 Details of the procedures followed at a Standards Commission's Hearing are outlined in its Hearings Process Guide and Rules, which can be found at: ~~https://www.standardscommissionscotland.org.uk/cases/hearing-rules. In certain circumstances and following the agreement of parties involved in the Hearing, the Standards Commission may use an Abbreviated Hearing Process.~~https://www.standardscommissionscotland.org.uk/cases/hearing-rules.

202 Section 24 of the 2000 Act provides for complaints about employee and ex officio members of devolved public bodies. The Section provides ~~that~~ that, on receipt of a report referred by the ESC about a member of a devolved public body (a) who is also an employee; or (b) who is an ex officio member of the body, the Standards Commission shall send ~~it~~ the report to the devolved public body. The Standards Commission will note that while it does not have the power to take any action in respect of the Respondent in those cases, the devolved public body may nevertheless wish to do so. It is noted that this could include:

- consideration of whether initiating disciplinary procedures is appropriate if the Respondent is an employee; and/or
- advising the organisation in which the Respondent holds office, and is a member of the devolved public body by virtue of holding that office, of the ESC's findings.

Sanctions

203 Section 19 of the 2000 Act obliges a Hearing Panel to impose a sanction. This can be either a censure, suspension, or removal from the board and disqualification:

Censure: A censure is a formal record of the Standards Commission's severe and public disapproval of the member.

Suspension: This can be a full or partial suspension (for up to one year). A full suspension means that the member is suspended from attending all meetings of the public body. A partial suspension means that the member is suspended from attending some of the meetings of the public body. In imposing a suspension on a member, the Standards Commission can direct that any remuneration or allowance deriving from membership of the body that would be payable to the member be not paid or be reduced.

Disqualification: Disqualification means that the member is removed from their membership and disqualified from membership of the body for the period determined (which can be up to five years). In circumstances where the member is also a councillor, or a member of another devolved public body, the disqualification may extend to that member's status as a councillor or member of the other devolved public body.

204 The Standards Commission's policy outlining the factors a Hearing Panel will consider when making a decision on the sanction to be imposed can be found at: https://www.standardscommissionscotland.org.uk/cases/hearing-rules.

Interim Suspensions

205 Section 21 of the 2000 Act gives the Standards Commission power to impose an interim suspension on a member on receipt of an interim report from the ESC about an ongoing investigation. A policy outlining the Standards Commission's approach to interim suspensions can be found at: https://www.standardscommissionscotland.org.uk/cases/details-of-alleged-breach.

206 The decision to impose an interim suspension should not be seen as a finding on the merits of a complaint, nor as a disciplinary measure.

Standards Commission for Scotland
Room T2.21
~~Room T2.21,~~ The Scottish Parliament
~~Edinburgh, EH99 1SP~~Edinburgh
EH99 1SP
~~Tel: 0131 348 6666~~
Email: enquiries@standardscommission.org.uk
0131 348 6666
www.standardscommissionscotland.org.uk
LinkedIn
Facebook
~~'X': @StandardsScot~~

STANDARDS COMMISSION FOR SCOTLAND

INTEGRITY IN PUBLIC LIFE

MODEL CODE OF CONDUCT GUIDANCE

1 June 2026

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GUIDANCE ON THE MODEL CODE OF CONDUCT

SECTION 1: INTRODUCTION TO THE CODE OF CONDUCT

The Model Code of Conduct (Code) required by the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act) was most recently reviewed and re-issued in 2021. It sets out the principles and rules governing the conduct of members of devolved public bodies. Your public body's code of conduct is based on this Code. Therefore, all subsequent references to the Code in this Guidance should be understood as references to the Code as adopted by your public body. A copy of the Model Code can be found at: https://www.standardscommissionscotland.org.uk/codes-of-conduct/members-model-code-of-conduct.

This Guidance has been produced by The Standards Commission for Scotland (Standards Commission) and contains case illustrations (some of which are based on cases from Scotland, Northern Ireland and Wales, and some of which are hypothetical) and examples of factors that members of devolved public bodies (members) may wish to consider when applying the requirements of the Code. In cases where a provision of the Code mirrors that contained in the Councillors' Code of Conduct, examples of complaints concerning councillors have been included.

Members should be mindful, when seeking to apply the Code to their own situation or circumstances, that the lists of factors in the Guidance and examples provided are not exhaustive. All members have a personal responsibility to ensure that they comply with the provisions of the Code.

While members should observe any guidance from the Standards Commission, it is not a substitute for the Code. The purpose of the Guidance is to provide supplementary information to aid members in interpreting the Code. **Members are, therefore, obliged to ensure they have read and understood the provisions of the Code itself. Reading the Guidance should, in no way, be considered a substitute for doing so.**

This document is a standalone version of the Guidance, without the Code embedded. It is intended to provide easy access to the Guidance itself.

The Standards Commission will continue to review the Guidance on a regular basis to ensure it is relevant and fit for purpose. As such, any feedback, comments, suggestions for improvements and further hypothetical cases are welcome.

Guidance

1 The Code, on which your public body's code is based, was approved by the Scottish Parliament and issued on 7 December 2021.

2 This Guidance is effective from 1 June 2026 and replaces all previous versions.

3 This Guidance is for members of devolved public bodies, and is also directed at advisory and co-opted members who sit on, or attend, any meetings (including committee meetings) of the public body. However, it should be noted that the Standards Commission has no legal powers to enforce the provisions of the Code against anyone other than those appointed or elected to be members of the devolved public bodies listed in Schedule 3 of the 2000 Act.

4 Public body boards comprise of individuals who are appointed, elected or nominated to the board in question in different ways, including individuals who are appointed, elected or nominated by virtue of being:

- a councillor (such as an elected member nominated or appointed by the council as a member of a regional transport partnership);
- a member of another public body (such as a health board member nominated or appointed by the health board as a member of a health and social care integration joint board)
- a student or member of a trade union (of a college sector board);
- a chair of an assigned college (of a college regional strategic body);
- a service user, stakeholder or voluntary sector member (of a health and social care integration joint board);
- a member of staff; and
- an *ex officio* member (being someone who is a member by virtue of holding another post (such as an individual who is a member of a health and social care integration joint board by virtue of a post they hold within the NHS).

5 By accepting your appointment as a board member, you have accepted that you are obliged to comply with the Code. The aim of this Guidance is to provide supplementary information to help you do so. It should be noted that all members of the board are required to comply with the Code, regardless of how they have become a member (i.e. by election, appointment or nomination).

6 The Code is not designed to restrict you; its purpose is to help you meet the required standards of conduct.

7 Public bodies should make arrangements to deliver training and induction sessions on the ethical standards framework and should encourage all their members and senior employees to attend, and, where possible, keep a record of attendance. Subject to resource limitations, the Standards Commission can support any such training and induction programme. Any request for assistance or support should be directed to the Standards Commission's Executive Director.

When the Code Applies

8 The Scottish public has an expectation that members of public bodies will conduct themselves in accordance with the Code and the nine key principles of public life, as outlined in Section 2. You must, therefore, comply with the provisions of the Code in all situations and at all times where you are acting as a member of your public body, have identified yourself as a member, or could objectively be considered to be acting as a member.

9 The Code does not apply to your private and family life. In determining whether the Code applies, the Standards Commission will consider whether a member of the public, with knowledge of the relevant facts, would reasonably consider that you were acting as a member of your public body at the time of the events in question.

10 It should be noted the Code will apply when you are engaging in online activity, including using social media, if you could reasonably be considered or perceived to be acting as a member of your public body. The Code does not prevent you from expressing views (including making political comment) provided you do so in a way that is compatible with the substantive provisions of the Code, being Sections 3- 6 inclusive. This includes the requirements to behave with courtesy and respect and to maintain confidentiality.

11 It may be helpful, in certain circumstances, to state that you are expressing your own personal view, rather than a view on behalf of your public body. You should, however, always be mindful

of how you could reasonably be perceived when doing so and whether your comments could objectively be considered as reflecting the views of your public body, regardless of any statement about it being a personal comment. It can be very difficult to persuade people that you can take a different view, or even have an open mind, in your capacity as a member of a public body from a view you may have expressed in your personal capacity. This is particularly pertinent in respect of using social media, or commenting in the press, where the separation of public and private comments may be unclear to someone reading them, and where information about your membership of the public body may be readily available online or from different sources (including your public body's website).

12 By way of an example, if a college member posted a comment on social media to the effect that the college was underperforming, the staff were useless and the Chief Executive should resign, it is unlikely that the inclusion of words to the effect that it was a "personal comment" would bring the matter outwith the scope of the Code. That is because it would be likely that a member of the public reading the post, with knowledge of the relevant facts (being the individual's status as a member and the subject matter), would understand it to have been made by the individual in that capacity as board member of the college and with the knowledge they had gained as such.

13 Another example could be where a member, who has stated in their social media account profile that they are on the board of their public body, 'likes' or reposts a comment from another individual's account describing the service provided by their public body as being substandard and unacceptably poor. While the post in question was not written by the member, the fact that they have chosen to repost or 'like' it , in circumstances where they are identifiable as a member, could be seen as them being supportive of the criticism in their capacity as such. However, the fact that complainers or witnesses to any conduct may be aware that you are a member is not in itself sufficient for the Code to be engaged.

Your Responsibilities

14 As a board member, you have a responsibility to ensure the effective governance and financial management of your public body within the context of public service delivery and reform for the benefit of the Scottish public.

15 You should attend any training and induction sessions on ethical standards and should ensure you are familiar with, and understand, the provisions and principles of the Code, this Guidance, and any other guidance and advice notes issued by the Standards Commission. You may wish to discuss training and continuous professional development with the Chair of your public body when you are appointed and during any annual performance discussion.

16 It should be noted, in terms of the Standards Commission's Policy on the Application of Sanctions, ignoring advice or training opportunities that could have prevented a contravention of the Code may be considered an aggravating factor by the Standards Commission when deciding on the appropriate sanction to be applied, following a breach finding.

17 Although it is ultimately your personal responsibility to comply with the Code, paragraph 1.9 of the Code makes it clear that if you are uncertain about how the Code should be interpreted and applied, you should seek advice. Your public body will have a Standards Officer. This is an employee who is either solely, or jointly, responsible for undertaking various duties and responsibilities related to the ethical standards framework (regardless of whether or not they have the formal title of Standards Officer). The Standards Commission has produced an Advice Note on the Role of a Standards Officer, which can be found at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

18 The Standards Officer and other senior employees may have experience of dealing with queries relating to the Code and can give you advice. You may also wish to seek advice from the Chair or an experienced colleague. If applicable, you may also wish to refer to the Scottish Government's 'On Board' Guidance, which can be found at: https://www.gov.scot/publications/board-guide-members-statutory-boards-2/

19 As it is your personal responsibility to comply with the Code, the fact that you may have sought, and then followed such advice would not be a defence against an allegation you have breached its provisions. A discussion with the Standards Officer or Chair nevertheless may help to clarify your own thinking. If you are found to be in breach of the Code, the fact you sought advice may be taken into account as a mitigating factor when the Standards Commission is deciding on the appropriate sanction to apply. As noted above, a failure to seek or follow advice may be considered as an aggravating factor. The Standards Commission's Policy on the Application of Sanctions can be found at: https://www.standardscommissionscotland.org.uk/cases/hearing-rules.

20 You should always try to seek advice at the earliest opportunity, usually from the Standards Officer. You should be mindful that the person from whom you are seeking advice may not have full knowledge of the matter, or your personal circumstances. On rare occasions (for example when an alleged breach is to be considered by the Standards Commission at a Hearing), you may wish to seek external legal advice, although there is no requirement for you to do so. You would be responsible for the cost of any external legal advice you seek, either to assist you with interpreting the Code, or in responding to any complaint about your conduct.

21 You are encouraged to promote and support the Code at all times and to encourage others to follow your example in doing so. Experienced members should consider whether they can act as a mentor to others to help them to understand its provisions.

22 As noted above, public body boards can comprise of individuals who are appointed, elected or nominated to the board in different ways. Members should recognise that the reason such bodies are comprised of individuals with different backgrounds, knowledge and experiences is to ensure diversity of thought and to ensure that input from, and the perspectives of, all key stakeholders are known and considered in any decision-making. Members should ensure, therefore, that they understand, respect and take account of differences in each other's backgrounds, knowledge and experiences, so these do not become a barrier to progress and to the effectiveness of the board itself.

23 Members should be clear, nevertheless, that they are required to act in the best interests of the public body when acting as a member (as opposed to the interests of any individual group or constituency from which they have been appointed, nominated or elected). Members need to be aware of their obligations to the board and reconcile these with their obligations to their constituency. While such members can raise matters from the perspective of their constituency, they should not promote the interests of, or lobby on behalf of, the constituency when sitting as a member of the public body.

24 The Code should be read as a whole. It may be necessary to cross-reference different provisions.

SECTION 2: KEY PRINCIPLES OF THE CODE OF CONDUCT

25 The Code is underpinned by the nine key principles of public life in Scotland, namely: Duty, Selflessness, Integrity, Objectivity, Accountability & Stewardship, Openness, Honesty, Leadership and Respect.

26 The key principles are for guidance and you should ensure that you always have regard to, and follow, these principles. You should not persuade others to act in a way that would be contrary to the key principles.

27 A breach of one or more of the key principles does not in itself constitute evidence of a breach of the Code. However, the key principles can be used by both the Ethical Standards Commissioner (ESC) (in their investigatory role) and the Standards Commission (in its adjudicatory role) to assist with interpretation of alleged breaches of the substantive sections of the Code, being Sections 3 to 6 inclusive.

28 It is your personal responsibility to ensure you are complying with the provisions of the Code. In doing so, you may need to exercise your judgement and consider how a member of the public, with knowledge of the relevant facts, would reasonably regard your actions or decision making in your role as a member. This is not the same as members of the public disliking a decision you have made or an opinion you have expressed legitimately in the course of your work; it is about whether you have acted properly and in accordance with the Code.

SECTION 3: GENERAL CONDUCT

Respect and Courtesy: General

29 You must treat everyone you come into contact with in your role as a member with courtesy and respect, even if you disagree with their views. This can include employees, officials from the sponsor body, members of the public, service users, politicians and fellow members.

30 It should be noted, in the context of paragraph 3.1 of the Code, that meetings can include virtual meetings or other forms of remote working via platforms such as MS Teams and Zoom.

31 While you are entitled to express your views and to disagree with others, you must do so in a respectful way. Respectfully challenging the thoughts of others, and in turn allowing your own thoughts to be challenged helps promote a culture of diversity of thought. You should focus on the issue itself, rather than making any personal comments about an individual.

32 You should always be mindful about how others could reasonably perceive your conduct, and that even if it is not your intention to be disrespectful or discourteous, your behaviour could be interpreted as such. Any decision made by the Standards Commission as to whether conduct could amount to a breach of the respect, courtesy, bullying or harassment provisions in the Code will involve a full, fair and objective assessment of the conduct in question, the intent, and reasonably foreseeable impact.

33 If you make a comment in the heat of the moment, which you do not mean and then regret, you should consider retracting it and / or apologising. Bear in mind, however, that comments made on social media may have been circulated widely by the time you seek to retract them or apologise.

34 You should always think ahead. If you have any concerns about a potential problem, speak to your public body's Chair, Standards Officer or Chief Executive so that advice can be sought and / or action can be taken before a situation becomes a serious problem. This could avoid or reduce the likelihood of an inadvertent breach of the Code and / or a complaint being made about you. The fact that you have sought advice, or indeed failed to seek advice, may be taken into account at a Hearing. Similarly, evidence of an immediate apology or retraction may be a mitigating factor at a Hearing.

35 You should ensure you are familiar with the Equality Act 2010, which provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. The Equality and Human Rights Commission has produced guidance on the Equality Act, which can be found at: https://www.equalityhumanrights.com/equality.

Respect and Courtesy: Applicability of the Code

36 It is very important to note that the rules of good conduct set out in Section 3 of the Code must be observed in all situations where you are acting as a member of your public body, which includes when you are representing the public body on official business.

37 As noted in the Introduction Section, the Code is applicable in all situations where:

1 you are acting as a member (for example, when attending public body board or committee meetings, engaging with employees or assisting service users);
2 you have identified yourself as a member at the time of the conduct in question (for example, you state you are a member on your social media account); and / or

3 you could objectively be perceived to be acting as a member (for example, when posting about public body-related matters on social media, or when attending an event to which you have been invited as a member).

38 You should be mindful, therefore, that your perception of when you are carrying out official business and when you are acting privately may be different to how it is viewed by a member of the public. In making an objective determination about whether you were acting as a member of the public body (even if you have not identified yourself as being a member), the Standards Commission will consider whether it would be reasonable for members of the public, with knowledge of the relevant facts, to consider that you were acting as such at the time of the events in question.

39 Factors the Standards Commission may consider when determining if the Code applies include whether:

- you have been clear about the capacity in which you are acting;
- you have described yourself as a member (for example in a social media account or biography, or in the sign-off to correspondence) or are otherwise readily identifiable as acting as a member in the situation / circumstances;
- you have been accurately and reasonably named as a member or otherwise identified as such (for example, in a speaker biography or a delegate list at an outside event);
- you are on the public body's premises or at one of its events;
- you are using IT equipment and / or an email account supplied by your public body;
- your conduct could reasonably be regarded as bringing your position as a member, or your public body, into disrepute;
- you are commenting on political matters that concern your public body, or matters that fall within the scope of its functions;
- you are invited to attend an event because you are a member; and
- you are representing the public body or speaking on behalf of the public body.

40 Members of some public bodies, especially those elected to the board, those appointed via routes linked to a local or specific community (including Local Authority appointees), or those who have regular and direct engagement with service users and stakeholders, may have a high profile within that area or community. If this is the case, you may wish to consider whether members of the public might automatically assume you are commenting in your capacity as a member, either in person or in anything you post, publish or share. This is particularly the case if you are commenting on matters that relate to the work or remit of the public body.

41 If you are a member of more than one public body, or are also a councillor, you may be subject to more than one Code of Conduct. In considering and making any decision on whether, and which Code applies, the ESC and Standards Commission will consider whether a member of the public, with knowledge of the relevant facts, could reasonably perceive you as acting as a member of the specific public body at the time of the alleged breach of the Code. The fact that complainers or witnesses to any conduct may be aware that you are a member of that public body is not, in itself, sufficient for the Code to be engaged.

A member shared an article that contained a sectarian comment on their LinkedIn profile. While the LinkedIn profile was a personal one, and did not state explicitly that the individual in question was a member of their public body, the Panel determined that it was apparent from the content of the profile, other posts, and shared items that this was the case. Therefore, the Panel found that it would have been reasonable for an informed member of the public to have perceived that the individual was acting in their capacity as a member of the public body when sharing the article. The Panel accepted that the member's position was that they had not read the article in full and were

absolutely appalled by the remark in question, but nevertheless found that there had been a breach of the Code. The Panel agreed that sharing an article of that nature was likely to bring both the member and their public body into disrepute.

A councillor was convicted of sexual assault in respect of an incident that occurred at a Trades Association event. The Panel was satisfied that it would have been reasonable for an informed member of the public to have perceived that the councillor was acting as a councillor at the event, given both its public nature and also because the invitation to attend had originally been sent to another councillor, a party group leader, before being passed on. The Panel concluded that the Code applied.

A member sent and encouraged an employee of his public body, with whom he had a personal relationship to send, inappropriate social media messages, including messages of a sexual nature, during office hours. The Panel rejected arguments that the member had been acting in an entirely personal capacity. It found that the member could not separate himself completely from his role as a board member of his public body and that, when sending or encouraging the employee to send the messages during working hours, he was acting as a board member.

A member met another member of the public at a public body-run event and subsequently entered into a personal relationship. The member was then abusive towards the member of the public on a night out. The Panel found that as the member was not acting in his capacity as a member at the time of the incident, the Code would not apply to his conduct.

A member attending a family wedding was introduced as such. The member then became involved in an altercation with another guest. The press later reported that the member has been charged with disorderly conduct and assault. The Code did not apply because while the member had been introduced as a member, it would not be reasonable for members of the public to consider that he was attending the wedding (being a private event) in that capacity. The subsequent identification of the member in the media would not mean the Code was engaged.

Respect and Courtesy: Social Media

42 The rules of good conduct also apply when you are engaging in online activity, including when using social media. Social media is a term used to describe online technologies, platforms, applications and practices that are used to share information, knowledge or opinions. These can include, but are not limited to, social networking sites, blogs, wikis, content sharing sites, photo sharing sites, video sharing sites and customer feedback sites.

43 The Standards Commission has produced an Advice Note for Members on the Use of Social Media. This can be found at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

44 The conduct expected of you in a digital medium is no different to the conduct you should employ in other methods of communication, such as face to face meetings and letters. Before commenting or posting, you should consider very carefully whether:

- You understand the immediate and permanent nature of any comment or post you are about to make, and that you will have no control over the extent to which it is shared, and by whom.
- You would make that comment or post in-person or face to face,
- You have such conviction in what you are about to share that you would be prepared to justify it if challenged at a later date.

- ‘Liking’, reacting to, tagging, re-posting and sharing comments or posts, or publishing links to other sites could be reasonably regarded in the circumstances as endorsing the original opinion, comment or information, including information on other sites.
- You fully understand that even if you delete your post, it may have been captured by way of a screenshot or otherwise retained in some way (including being automatically cached online) and that fully deleting content once it has been shared online is almost impossible to achieve.

45 Other important factors to consider when using social media include whether:

- You are identifiable as a member by directly referring to yourself as such or indirectly by referring to the public body, or the functions of your role as a member, or through any information or images posted.
- The account you are using is ‘private’ and whether you have set your privacy controls accordingly. You should bear in mind that anyone who is able to view your social media content will be able to screenshot and publicly share it, if they choose to do so.
- The number of ‘followers’ you have and whether these individuals are following your account because you are a member of your public body.
- Information you are posting is confidential and you only have access to it because you are a member of the public body.
- You are demonstrating bias or pre-determination.
- You are using the public body’s equipment and / or your public body’s information technology network or your own.
- You have complied with any Social Media, Use of Information Technology or Communications policies your public body has produced.
- You have complied with the law including defamation, copyright, data protection, employment and equalities or harassment provisions.

It can be difficult sometimes to persuade people that you can take a different view, or even have an open mind, in your capacity as a member from any view you may have expressed in your personal capacity. This is particularly pertinent in respect of using social media, or commenting in the press, where the separation of public and private comments may be unclear to someone reading them, and where information about your status as a member may be readily available online or from different sources (including your public body’s website).

A complaint alleged that a member had set up a Facebook account under a false name in order to post derogatory comments about employees of the public body. The owner of the account was identified as the posts contained information about specific employees that could only be known by a member. It was established that by posting the comments, the member in question had been acting in their capacity as a member, regardless of whether or not they had identified themselves as such. It was found that the member had breached the respect provisions of the Code.

Respect and Courtesy: Article 10 ECHR – Your Right to Freedom of Expression

46 You have a right to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR). You are entitled to express your views and opinions. The Code does not prevent making points or from scrutinising the performance of your public body, provided you do so in a respectful manner that is compatible with the Code.

You should note, however, that the protection Article 10 affords is not absolute and does not extend to, or excuse, hate speech or egregious offensive and abusive personal attacks.

Therefore, you may wish to think about:

- whether your comments are likely to bring your office or the public body itself into disrepute;

- whether you are treating others with courtesy, respect and consideration;
- whether making your point in a respectful and constructive manner may have more of an impact in terms of influencing others;
- the fact that 'liking', reacting to, re-posting and tagging comments or posts, or publishing links to other sites are likely to be perceived as endorsing the original opinion, comment or information, including information on other sites;
- whether to allow disagreement on your social media pages;
- the fact that tone can be harder to convey online so consideration should be given to whether humour, irony and sarcasm will be perceived as such;
- whether you have to respond and / or if it is appropriate or helpful to do so;
- whether anything you post could be considered obscene.

47 The Standards Commission has produced an Advice Note that outlines the approach it will take when issues that concern the application of Article 10 of the ECHR and the right to freedom of expression arise. It also suggests issues members should consider in order to ensure compliance with the provisions concerning courtesy, respect and confidentiality in the Code. The Advice Note can be found at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

Respect and Courtesy: Equalities

48 You are expected to advance equality of opportunity and to seek to foster good relations between different people. It is unacceptable for a public figure such as a member of a public body to express views that indicate a discriminatory attitude towards people on the basis of race, age, sex, sexual orientation, gender reassignment, disability, religion or belief, marital status or pregnancy/maternity.

A complaint alleged that a member had posted a homophobic comment on the complainer's Facebook page and, when doing so. he had accessed his account using a mobile phone issued by his public body. It was found that the comment made by the member had clearly been intended to insult and demean the complainer. The member was found to have breached the Code.

A complaint alleged that a councillor had shared, on Facebook and X, a blog article which was critical of a union member who had organised an equal pay strike in Glasgow. The article contained references to "Mein Kampf" and of Hitler having accused "The Jew" of gradually assuming membership of the trade union movement. It was found that the article promoted negative stereotypes and was antisemitic in nature. The councillor was found to have breached the respect provisions of the Code.

A councillor referred to the complainer as a 'TERF' (Trans Exclusionary Radical Feminist) in a series of social media posts and in emails. The Panel found that while the term TERF was potentially controversial and could be seen as one of abuse, it could also be used or perceived as simply a descriptor. It was found, however, that it was evident from the Respondent's description, over an extended period of time, of TERFS as being "scum" and "hateful and vile", that the councillor intended it to be one of abuse. It was further found that the councillor had directed the term at the complainer as an individual and that it was about her as a person, rather than simply being a descriptor of her alleged views. As such, it was determined that the reference to the complainer as a TERF, in context, amounted to a personal attack on her and that the councillor had failed to behave in a respectful manner. It was further determined that the councillor had used a highly derogatory profanity about a member of the public in another tweet. It was found that using such a word in a public forum such as a tweet was highly offensive and inappropriate, regardless of whether it had

been directed at any individual or identifiable group of individuals. The councillor was found to have breached the Code.

Respect and Courtesy: Bullying & Harassment

49 Bullying is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted. It usually, but not always, arises as a result of an individual misusing their power.

50 Harassment is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated, frightened and / or uncomfortable. It can be experienced directly or indirectly (for example, being in the room in which unacceptable conduct is being displayed and being affected by it). Harassment is not confined to conduct defined as such under the Equality Act 2010 (i.e. unwanted conduct related to a relevant protected characteristic).

51 It should be noted that bullying and harassment (which includes sexual harassment) can be a course of behaviour or a one-off incident.

52 Even if the behaviour in question is unintentional, it can still be classed as bullying and / or harassment. It is the impact of the behaviour, not the intent, that is the key. You should therefore be aware of the impact of your conduct as it may be experienced by others, and remember that what may seem harmless to you can be offensive to someone else. It should be noted, however, that any decision made by the Standards Commission as to whether conduct could amount to a breach of the bullying and harassment provisions in the Code will involve a full, fair and objective assessment of the behaviour, intent and reasonably foreseeable impact. This will include taking account of the perception of the person to whom the behaviour has been directed, and whether it was reasonable for the conduct to have the effect of making that person feel offended, humiliated, intimidated, frightened and / or uncomfortable.

53 Bullying and harassment can occur through all means of conduct and communication – including social media posts, shares and comments. It can also arise through a lack of communication, such as the deliberate exclusion of an individual from a conversation, work or social activity.

54 You are responsible for your own behaviour. You must ensure that you are aware of, and comply with, the provisions concerning bullying and harassment in the Code and also any policy your public body has on ensuring dignity in the workplace.

55 The Standards Commission has produced an Advice Note for Members on Bullying and Harassment. The Advice Note can be found at at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

A complaint alleged that a member had behaved in a disrespectful manner towards two female fellow members and employees. It was established that the member had made unwarranted and inappropriate physical contact with the fellow members and employees at an official event and had also made remarks towards the employees which were patronising and demeaning. The member was found to be in breach of the Code.

A complaint alleged that a member had sent an email to a number of employees of their public body and published a post on social media, describing an employee as "arrogant, lazy, mentally challenged" and as having been "useless for years". The impact led the employee to seek medical and other support and resulted in him taking sickness absence due to stress. The Panel found the

email and post to be completely unwarranted and would have adversely affected the employee's ability to carry out his role. The Panel found the member's conduct amounted to a breach of the Code.

A complaint alleged that a member made a number of allegations and critical comments on his online blog about the complainer, who was a fellow member, which were of a personal and insulting nature. It was found that the comments had been made without factual basis, were disrespectful and were clearly intended to demean the complainer in a public forum. The member was found to have breached the Code.

A complaint alleged that a councillor had made remarks of an abusive, insulting and personal nature to a police officer, and also made a number of unfounded allegations about him during two telephone calls to a Police Station. It was found that the councillor had made the telephone calls in his capacity as a ward councillor and concluded that the provisions of the Code applied to him at the time of the events in question. It was further found that the comments made by the councillor in the telephone conversations amounted to an unacceptable personal attack on the police officer and that he had breached the respect provisions in the Code.

Respect and Courtesy: Public Body Employees

56 It is understood that there may be tensions in an environment where individuals have different backgrounds and experiences. It is nevertheless essential to ensure that the public has confidence in the public body and the role of its members. This can only be achieved if members behave in a respectful way both towards each other and towards the public body's employees.

57 The requirement to respect all public body employees includes employees of contractors providing services to the public body; and employees of any other organisations where it might be reasonably perceived that the public body (and by implication the member) has a supervisory influence over those individuals. This might, for example, include cleaners or security guards employed by an agency contracted to provide services to the public body and who work in public body buildings and / or solely and entirely on public body work.

58 It should be noted that anyone can make a complaint to the ESC about an alleged breach of the Code. There is no obligation on anyone, including public body employees, to make a complaint even if appears to them that the Code may have been breached, and the Complainer does not have to have been affected by the conduct. It may be the case that the matter can be resolved informally. Asking a public body employee to make a complaint could compromise their position. You should not, therefore, act in a manner that may pressure employees into making a complaint.

A complaint alleged that a councillor had sent a series of emails (and made statements in council meetings) over a period of eleven months, to his fellow councillors and to senior council employees, alleging corruption in the allocation of a council property a family member of another councillor. The councillor in question had provided no proof to back up his claims of corruption. A number of internal council investigations, and finally an independent investigation carried out by Audit Scotland, had all concluded that there was no evidence to suggest any corruption in relation to the housing allocation. The Panel considered that by making such serious and unwarranted public accusations about the conduct of employees, the councillor's conduct was offensive and fell well below the standard to be expected of a councillor, and therefore found that the Code had been breached. It is worth noting that in this case, due to the seriousness of the contravention and two previous breach findings against him, the councillor was disqualified.

Distinguishing between Strategic and Operational Matters

59 The Standards Commission has produced an Advice Note for Members on Distinguishing Between their Strategic Role and any Operational Work, which can be found at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.
In general, if a duty is delegated to an employee, then it is likely to be operational in nature. You may wish to seek information about specific matters, cases or a particular item of work, but you should be aware that employees may feel pressured by a member challenging their actions or appearing critical of some aspect of their work. This is particularly the case with junior employees, who may not be used to dealing directly with members. Any concerns about performance should be raised in private with the Chair who can then bring them to the attention of the Chief Executive or the employee's line manager, as appropriate. You should also follow any policies the public body may have in respect of performance.

Respect and Courtesy: Public Comment about Public Body Employees

60 As a member, you are entitled (and indeed required) to scrutinise the effective delivery of services and whether operational targets have been achieved. You should be careful, however, not to make public statements which expressly, or by implication, criticise the actions (or inaction) of an individual employee or identifiable group of employees (where individuals in that group are, or could be, identifiable). You should note that the concept of a public statement is wide and can cover a variety of scenarios such as the published minutes of a board meeting, a comment on social media, or being overheard in a public area, such as a corridor or tearoom. This provision does not prevent you from scrutinising the performance of a team or service. Instead, it precludes you from making any public criticism, which is personalised in nature, about an individual officer or identifiable group of officers. When you need to raise concerns in public about the performance, conduct or capability of the organisation (or parts of it), you must do so objectively and respectfully, focusing on the issues rather than any employees who are or were directly involved.

For example, in a scenario where you are concerned about the quality of a report before you, you should consider how you raise your concerns. Saying *"I note this report does not contain a risk assessment – I would be grateful if a risk assessment could be undertaken"* would be respectful, whereas saying *"as usual, your report is inadequate and poorly prepared as it does not contain a risk assessment"* could be perceived as being personally critical of the report's author.

An example of effective scrutiny could be to say at a public meeting *"I have concerns about this service we are providing in respect of X, as it appears there are undue delays. Could a report therefore be prepared on service delivery for X against key performance indicators over the last six months? Where these are not met, could information be provided as to why not and on what steps are being taken to improve matters".* However, saying that *"the performance of Ms A, as the director, appears to be lacking, as service X is clearly not meeting its key performance indicators*" could be seen as being critical of Ms A as an individual.

61 The requirement to refrain from criticising employees in public also applies to former employees, if the criticism is about them in that capacity (i.e. if it concerns their performance, conduct or capability when they were employed by your public body).

62 If you have concerns about the performance, conduct or capability of an employee, you must raise them in private with senior management and in accordance with your public body's procedures. You may wish to discuss your concerns with the Chair in the first instance, to see if

they are shared by other members. If you are raising concerns about an employee with senior management, you should try to be as objective and specific as possible.

For example, it would be more helpful to say: *"I am concerned about the way X spoke to me at the board meeting on Y date in that I found his remark to the effect that… to be rude and disparaging"*, rather than "*X is rude towards board members".*

Similarly, it would be more constructive to say *"I am concerned about X's performance as the reports she produced for the meetings on Y and Z dates were not of the quality I would expect from someone of her grade in that they lacked any detail about… and did not cover…",* rather than *"X's performance is not up to scratch as her reports are rubbish".*

63 If you have concerns about the performance, conduct or capability of your public body's Chief Executive, you should raise them in private with the Chief Executive. You should discuss your concerns with the Chair before doing so, to see if they are shared by other members and / or are already being addressed. If you are an executive board member, you should raise any such concerns with an appropriate member of the management team through established local procedures.

A complaint alleged that a member had become inappropriately involved in disciplinary proceedings being brought against an employee of their public body. The member sought to influence the operational decision-making by sending a number of emails to the employee's line manager excusing the employee's alleged misconduct and praising their performance. In trying to interfere with the line manager's performance of their operational duties the member lost sight of their governance role and overall responsibility to their public body. The member was found to have breached the Code.

A complaint alleged that a member engaged in public criticism of the Chief Executive of their public body by posting information and comments on a stakeholder's Facebook page. The member did not give the Chief Executive an opportunity to respond before publishing the comments on the Facebook page. The member was found to have breached the Code.

A public body was in the process of updating its website's design and content. One of its members sent numerous emails, and made multiple telephone calls, to the public body's IT department questioning the proposed layout, the timescale for the roll-out and the design of other websites in the supplier's portfolio. The member also suggested wording and other content to be used on specific pages and questioned the proposed menu headings for the new site. While the Panel accepted that members would have a strategic role in such a project, and would be entitled to scrutinise its implementation and make some suggestions, the member in question was found to have strayed too far into discussions and decision-making at an operational level. Indeed, the Panel found that the member's interference resulted in delays to the project as employees' time was taken up in dealing with their enquiries and suggestions. The member was found to have breached the Code.

Respect and Courtesy: Public Body Meetings

64 The word 'Chair' in paragraph 3.10 of the Code, and the word 'Chair' in this Guidance, are not restricted to those specific terms and, instead, apply to any individual holding a similar chairing role. The Standards Commission has produced an Advice Note for Chairs of Devolved Public Bodies, which outlines the role that chairs may be expected to undertake within the ethical standards framework. The Advice Note can be found at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

65 The role of the Chair in any public body meeting, including a committee meeting or a meeting of a working group or similar forum, is to ensure that the agenda of business is properly dealt with and clear decisions are reached. To do this, the Chair has a responsibility to ensure that the views and opinions of other participants (including the advice of employees) can be expressed. At the same time, the Chair has a responsibility for proper and timely conduct of the meeting and for helping to ensure the meeting is conducted in compliance with the public body's Standing Orders and that the questions and discussion remain focused. This includes determining the point at which conclusions should be reached. Chairs are required to adopt a balanced approach to help ensure fairness to participants while at the same time dealing firmly with any attempt to disrupt or unnecessarily delay the meeting. If you are present, you share the responsibility for the proper and expeditious discharge of business. As such, you should ensure you are familiar with your public body's relevant rules, regulations or Standing Orders. The role of the Chair in reaching judgements about how the meeting is to be conducted should be supported and respected.

A complaint alleged that a member failed to respect the Chair and other colleagues during a board meeting. Despite the Chair determining the matter under consideration had been agreed, the member continued to speak over the Chair, requiring her to adjourn the meeting. Upon reconvening, the member continued to speak over the Chair. A motion was passed in terms of the public body's Standing Orders to suspend the member from the board meeting. Despite this motion, the member initially refused to leave, and it took a further adjournment from the Chair to persuade the member to remove himself. The Panel found that the member had breached the Code.

66 You are accountable for your own conduct at all times in terms of the Code, irrespective of the conduct of others. Abusive or offensive language and / or unnecessarily disruptive behaviour should not be tolerated. During the course of a meeting, the Chair has the right to rule on and to take appropriate action as necessary on the acceptability of conduct, and any language used and comments made. This can include requiring the withdrawal of a remark, asking for an apology, or any other action necessary to allow the meeting to proceed properly. Factors you should consider include whether:

- your behaviour, including your body language, is courteous and respectful (even when you hold a different view to that of other participants);
- you are treating others with courtesy, respect and consideration;
- your choice of language in meetings is appropriate and meets the high standards expected by the general public;
- it is appropriate to refer to other members by nicknames or to refer to them in the second person, by using terms such as 'you';
- newspapers, mobile phones, laptops and other devices are being used appropriately or whether their usage could be perceived as you not being engaged in the meeting or listening to what others are saying; and
- your conduct could diminish the public's opinion of, and trust and confidence in, the public body and / or its members.

A complaint alleged that a member had been disrespectful towards a fellow member by making disparaging remarks about their input into a discussion. Their remarks included a personal comment about the other member's intelligence and their suitability to be a board member. It was found that the member's remarks amounted to a personal attack and were egregious and inappropriate. The member was found to have breached the Code.

At a board meeting a member challenged a senior employee's integrity by accusing them of falsifying data in a performance report. The Panel found this behaviour particularly egregious given that the employee in question was not present at the meeting and, therefore, could not address the

accusations. In addition, the concerns had not been raised previously with the employee or their line manager in private. The member was found to have breached the Code.

A councillor said "sieg heil" when the Chair of a committee curtailed debate on a motion. It was found that the words "sieg heil" are synonymous with the former fascist Nazi regime in Germany and are directly associated with obedience to an oppressive dictatorship. As such, it was found that the councillor's use of them could only be taken as an unacceptable way of protesting about how the Chair had conducted the meeting in respect of the item under consideration. Although the councillor had retracted the comment when asked to do so, it was found that he had breached the Code by failing to show respect to the Chair.

Collective Responsibility

67 The provision in the Code concerning collective responsibility is not intended to inhibit or reduce private discussion by members in matters of decision-making and corporate responsibility. However, while you should be ready to offer constructive challenge in your capacity as a member, you must share collective responsibility for decisions taken by the board of your public body as a whole once such decisions have been made. The principle of collective responsibility applies at all times where you are acting as a member of your public body or could reasonably be perceived to be acting as such. This could include when you are making a press statement or providing a quote to the media.

68 If you fundamentally disagree with the decision taken by your board, then you have the option of recording your concerns in the minutes of the board meeting. If you remain discontented, you may wish to ask the Chair of your board for a meeting to discuss your concerns. Ultimately, though, if your concerns are not resolved to your satisfaction and you cannot accept and support the collective decision of your board, you may wish to consider whether it is appropriate to resign.

69 It should be noted that the requirement to respect the principle of collective decision-making and corporate responsibility does not prevent a board from making a subsequent formal decision to alter, delete or rescind a decision (although if the board does so, the principle will apply to the new or altered decision).

During a board meeting of their public body, a member voiced their disagreement with a decision taken by their board. This disagreement was registered in the minutes of the board meeting. However, following the board meeting, the member posted an angry comment on social media criticising their board and stating in very strong terms that they did not agree with its decision. The Panel found that while the member was entitled to have their disagreement recorded in the minutes of the board meeting, their conduct in criticising it online amounted to a failed to adhere to the principle of collective responsibility. As such, they were found to have breached the Code.

An NHS Board was seeking to buy land for potential car parking. Having identified a suitable site, the Board decided to make an offer that was slightly above market value, due to concerns about a third-party's interest in the land in question. One board member did not consider that the purchase at the proposed offer price represented best value and voted against the proposal. While the member accepted the majority decision of the Board, she later made adverse comments about the purchase to a local community group. The Panel found that by making such critical comments, the member had breached the Code.

Gifts and Hospitality

70 The Standards Commission has produced a separate Advice Note for Members on Gifts and Hospitality which can be found at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

71 In your role as a member, you should never ***ask*** for any gifts or hospitality. However, you may be ***offered*** gifts and hospitality: the Code makes it clear that the default position is you should refuse these, except in the very limited circumstances listed at paragraph 3.15 of the Code – see Notes 68 to 70 below for further information. It should be noted that acceptance can include accepting the *promise* of a gift or hospitality.

72 'Gifts' or 'hospitality' can come in many forms. Beyond the everyday things like bottles of wine or offers of lunch, they can include benefits such as tickets to sporting or other events; provision of services at a price below that generally charged to the public; incurring personal debts or obligations on your behalf, relief from indebtedness, loan concessions, or other financial inducements.

73 **Objective test:** you should always consider whether your acceptance of a gift or hospitality, in the limited circumstances permitted under paragraph 3.15 of the Code, would allow an informed member of the public to think it might lead to your being influenced in your judgement on matters. You should also always consider whether you would have been given the gift or hospitality if you were not a board member. In doing so, you should think not just of your own perception, but the perception of others.

74 In terms of paragraph 3.16, you should also consider whether there could be a perception that a member of the public, with knowledge of the relevant facts, might reasonably consider that any gift or hospitality received by a person or body connected to you could or would influence your judgement in respect of any matter you are to consider as a member of your public body. If so, you will be required to consider whether you need to declare an interest, in terms of Section 5 of the Code.

75 You should note that it is a criminal offence either to make, receive or give a bribe. You should note that paragraph 3.21 specifically requires you to familiarise yourself with the terms of the Bribery Act 2010, which outlines in details what a bribe is**.** The Bribery Act 2010 sets out technical definitions for both, however in simple terms a bribe has the following elements:

- to give, promise or offer an advantage (financial or otherwise) to someone, OR
- to request, agree to receive or accept an advantage (financial or otherwise) from someone,

AND, with the intention (by either the giver or receiver) to:

1. Encourage the recipient to improperly perform a function or an activity, OR
2. Reward the recipient who has already improperly performed a function or an activity.

It is also an offence when it is known by the giver or receiver that acceptance of the advantage would itself constitute improper performance of a relevant function or activity. An example of this would be the offer or acceptance of hospitality that goes beyond the limits of what would reasonably be associated with your duties as a board member, under paragraph 3.15 of the Code. If you accept a gift or hospitality that would amount to a breach of the Code, this could be regarded as a bribe and a criminal offence under the Bribery Act. More information on the Bribery Act can be found at: https://www.gov.uk/government/publications/bribery-act-2010-guidance. Your Standards Officer may also be able to assist with further material.

76 An example of bribery might be where a windfarm operator promises to pay community benefit to an organisation in a councillor's ward if that councillor votes in favour of granting planning permission in circumstances where it would not otherwise be granted (i.e. if the proper statutory test of considering the provisions of the development plan and all material planning considerations was not applied or if community benefit was wrongly taken into account in determining a planning application).

77 You should, therefore, be aware that irrespective of any of the provisions in the Code, a gift which induces an individual to improperly undertake a statutory duty, such as a regulatory decision, is still likely to fall foul of the provisions of the Bribery Act 2010. This is regardless of whether the gift is given directly to the individual, or to someone else. Such an action could result in a criminal prosecution.

78 Paragraph 3.18 of the Code makes it clear that where an individual or organisation is awaiting a decision from, or seeking to do business with, the public body, you should not accept any form of gift or hospitality from them, no matter how small in nature or value. This is irrespective of whether you sit on a committee or working group with an influence on the outcome of such matters, as there could still be a perception that you might be in a position to influence colleagues making the decision one way or another. As you have a personal responsibility to comply with the Code, the onus is on you to ascertain whether the individual or organisation offering you gifts and / or hospitality is awaiting a decision from, or seeking to do business with, your public body.

Limited circumstances in which gifts and hospitality may be accepted

79 Provided paragraph 3.18 of the Code does not apply, paragraph 3.15 sets out the very limited circumstances in which you might accept a gift or hospitality from another person in your role as a member. These would be things such as a pen, or a notepad, or hospitality such as tea or coffee at a local event, or a sandwich or buffet lunch included as part of a daily rate charged and provided to all delegates at a training event or conference. For example, if as board member of a National Park Authority, you are asked by the Chair and Chief Executive to attend the opening of a new café within the national park, it would be reasonable for you to attend, and to accept an offer of a light lunch.

80 Similarly, where you are representing the public body in an official role, you will be expected to accept hospitality normally associated with that role. An example could be a dinner to commemorate the anniversary of an event. If you are invited to such events, you should always check, in advance, with your public body that you can accept the invitation. The Standards Commission's Advice Note for Members on Gifts and Hospitality provides a series of considerations intended to assist you in scrutinising offers of hospitality, to help you reach fair and transparent decisions on what should be accepted and what should be declined. It also provides examples of typical scenarios to show you how you might use those considerations.

81 Paragraph 3.19 of the Code also recognises that there may be situations where, as a member, you may be expected to accept gifts on the public body's behalf. These could be, for example, from representatives of a similar body from another country. In those circumstances, if it would cause embarrassment or offence to refuse the gift, you can accept it. You should, however, pass the gift to the appropriate employee of your public body at the earliest opportunity. It may be that it will then be registered on any internal register of gifts given to the public body as an entity.

Perception and Influence

82 The provisions in the Code on gifts and hospitality are designed to avoid any perception that members may be using their role to obtain access to benefits that members of the public would

otherwise be expected to pay for, and also to prevent them from being influenced (inadvertently or otherwise) into making decisions for reasons other than the public interest (for example, by serious organised crime gangs seeking to obtain contracts and licences to facilitate money laundering).

83 The requirement for members to advise their public body's Standards Officer of any *offers* of any significant gifts or hospitality from the same source on a repeated basis, that you have declined in terms of the Code, is important as it ensures the public body can take action if it appears the same individual or organisation is attempting to influence its board members and decision-making. It is also open to you, in the interests of transparency, to declare any gifts and hospitality you have declined.

A complaint alleged that a member accepted and subsequently failed to declare hospitality received from a law firm that was involved in a tender application to provide legal services to the member's public body. The hospitality involved a trip to watch the Scottish Cup Final at Hampden. It could not be said that the hospitality in question was minor, or that it was associated with the member's duties as a member of their board. In addition, it was found that it should have been evident to the member that there was a possibility that the law firm would submit a tender to provide services to the public body. Although the member was not directly involved in the tender decision, the Panel found that it was likely that a member of the public would reasonably consider that the hospitality could have led the board member to influence others involved in making the decision. By accepting the hospitality, the member was found to have breached the Code.

A complaint alleged that a councillor had failed to declare hospitality received during a site visit from a recipient of planning permission who was to make further applications for the same development. However, there was no evidence to suggest that any Council representative, including the councillor in question, received any gift or further hospitality other than being provided with light refreshments mid-morning. Evidence suggested that these had been provided by the developers, following a Council request. This was not regarded as inappropriate for the purposes of the Code.

Confidentiality

84 You have a statutory right, subject to certain statutory exemptions (including those covered by data protection legislation), to the public body's information under the Freedom of Information (Scotland) Act 2002. You should be aware that information you produce or receive could be subject to disclosure as this legislation provides individuals with the right to request recorded information held by your public body. You also have a right to request information where you can show a need to know that information in order to perform your duties as a member.

85 It is legitimate, however, for your public body to require you to treat certain documents and information, provided to you in your capacity as a member, as confidential. Given the potential damage that the unauthorised disclosure of confidential material can do to the standing, reputation and integrity of a public body, it is essential that you respect the provisions at paragraphs 3.22 to 3.25 of the Code.

86 Information can become confidential in a number of ways, including in terms of the following examples:

- a public body employee, or a member of the public, has asked you to treat it as confidential;
- the public body has resolved to treat it as exempt information in terms of Freedom of Information legislation, or is likely to do so; and
- information which, under the data protection legislation or the General Data Protection

Regulation contains personal data, the release of which would lead to a breach under those provisions.

87 Sometimes the confidential nature of the material will be explicit, such as if the document is marked 'confidential'. In other cases, it will be clear, from the nature of the information or from the circumstances in which it was provided to you, that it is confidential. This may include the following types of information.

- commercial information, such as information relating to a contract or a contractor's business;
- personal or sensitive information, such as information relating to an individual's employment or health;
- information which is confidential as a result of a statutory provision;
- information discussed in closed or private sections of meetings;
- legal advice obtained by the public body (either provided by employees or external legal advisers). This will be covered by legal privilege and should not be disclosed without the public body's permission;
- information received as a result of a relationship where there is an expectation of confidence, such as between a member and a service user; and
- information about any ongoing investigation being undertaken by the Ethical Standards Commissioner.

88 The Public Interest Disclosure Act 1998 (PIDA) allows individuals to disclose certain issues to *particular* external parties (known as 'prescribed' individuals or bodies) where there is good reason to believe that internal disclosure will not be taken seriously or will cause the individual making the disclosure to be penalised in some way. This is known as 'whistleblowing'. You should familiarise yourself with the types of matters which should be reported and the reporting procedure that should be followed where any wrongdoing is suspected, as outlined in the Act. A disclosure of confidential information to an external party, such as a media outlet, which is not included in the list of prescribed individuals or bodies is likely to be a breach of the Code. The ESC is a prescribed person.

89 As a member, you are a data user and must comply with data protection legislation and your public body's data protection policies when handling information. Public body information provided to you must only be used by you for the purpose for which it was provided.

90 You should be aware that a breach of confidentiality could result in criminal proceedings, civil liability for damages and / or a fine being imposed by the Information Commissioner, in addition to any reputational damage being incurred by you and / or the public body.

91 Confidential information must not be disclosed or in any way used for personal advantage or in such a way as to discredit the public body. This applies even in circumstances where you hold the personal view that such information should be publicly available.

92 You must not provide the media with 'off the record' briefings on the general contents or 'line' of confidential material or information. Disclosures of this kind can also seriously undermine and devalue the work of the public body and its committees. They can also damage the relationship of trust and respect between members and employees, and between fellow members.

93 Sometimes, confidentiality is a matter of timing, in that information may be released into the public domain at a later stage (either in the short or long term). However, you must respect the requirement for confidentiality even if you do not agree with it or consider that the information should be released at an earlier stage.

94 You should seek advice if you are in any doubt as to whether any documents, information or advice are confidential, particularly if you are intending to disclose these to any outside body or individual.

95 As a member, you are in a position of trust and service users may provide you with information that could reasonably be regarded as confidential. If the status of any discussion is unclear, you should establish, at the earliest possible opportunity, whether some or all of the matters being discussed are to be treated as being confidential.

96 If you are considering disclosing any information which could reasonably be regarded as being confidential, you should always obtain confirmation (preferably in writing) that you have the authority to do so. However, you must be aware that the person who holds the information may not necessarily have the authority to permit any such disclosure. For example, another member may have passed on information to you. The fact that this information has been passed to you by another member does not mean that the information in question is not confidential, or that the member in question has the authority to permit you to disclose it further. You should also be wary of disclosing confidential information inadvertently, particularly when using any personal email, any artificial intelligence tool and the 'chat' function during online meetings.

97 You should be aware of the provisions of data protection legislation. If you hold personal information (such as personal details of a service user or other information such as medical conditions), you may require to be registered as a data controller under data protection legislation. You must abide by the following rules when holding and processing personal data:

- you must only use the information for the purposes for which it was given. In particular, you must not use information you have acquired as a member for political purposes or for personal advantage;
- you must not share such information with anyone without the consent of the person giving the information, or unless required to do so by law. You should note, however, that you do not need a service user's consent to share information with your public body's employees for the purpose of assisting with the resolution of an enquiry or complaint, provided you do not use the constituent's personal data in a way that goes beyond their reasonable expectations in contacting you (unless you are required to do so by law); and
- you should not keep the information any longer than you need to.

A complaint alleged that a member disclosed confidential information relating to the health of a public body employee to a third party. It was found that the member had breached the Code by disclosing to a third-party information about the employee which was private, personal and sensitive and that was, by its very nature, confidential.

A complaint alleged that a member disclosed, in two Facebook posts, sensitive information about his public body's response to the Covid-19 pandemic. The information in question had been provided by employees at private briefings. The Panel, having heard from a number of witnesses, including other members, was satisfied that it was evident the information was intended to remain confidential until the public body had prepared its public communications. This was especially important given the nature of the communications, which could have caused undue fear or alarm. The Panel concluded, therefore, that the member had breached the confidentiality provisions of the Code.

A member disclosed to the press the identity of an employee who had made a claim for constructive dismissal against their public body. The member could only have become aware of the information he disclosed by virtue of being a board member, and would reasonably have been aware that the information was sensitive, confidential and not for public disclosure. The Panel concluded that the member had breached the Code.

A board meeting was convened to agree upon an action plan for the sale of part of a public body's property assets. During that meeting a 'ballpark' figure that the public body might accept for one of its properties was discussed. Subsequent to that board meeting, one of the members present attended a fishing trip organised by a close personal friend who was a property developer. The member disclosed to their friend that their public body was looking to dispose of part of its property assets, and additionally disclosed the 'ballpark' figure that had been discussed during the board meeting. The Panel found that by disclosing this information to their friend, the member had breached the confidentiality requirements of the Code.

A report from a health and social care partnership's Chief Officer, presenting a procurement business case for social care services, was being considered by its board. The report contained information in respect of the tendering exercise and subsequent award of a contract. The information about the award of the contract was disclosed by a board member to a third party after the meeting. In determining whether the member had breached the Code, the Panel noted that while the part of the report containing the information had not been explicitly marked as confidential, it had been discussed in a private part of the meeting. The Panel concluded, as such, that the board member, would have known, or should reasonably have been aware, that the information was confidential and should not have been disclosed. The member, therefore, was found to have breached the Code.

Use of Public Body Resources

98 As a general rule, facilities paid for by the public purse, and provided for use in public body business, should only be used for public body business, unless otherwise expressly permitted by the public body itself. It is recognised, however, that some public bodies may allow members occasional personal use of public body-provided equipment, such as laptops, mobile telephones and tablets. It is likely that your public body will have policies and protocols on related matters, including the use of IT and other equipment for personal and official purposes. The Code obliges you to adhere to such policies and protocols and, therefore, you should familiarise yourself with their contents.

99 The Code explicitly forbids the 'imprudent' (i.e. without thinking about the implications or consequences) use of public body facilities. Given the importance of achieving best value, it is important that members are not seen to be using facilities irresponsibly or wastefully. An example of this would be printing documents unnecessarily.

100 Facilities must never be used for political activities.

101 Any expenses claims should be appropriate and necessary to perform your duties as a member of the public body. You should ensure that you are familiar with, and abide by, any policy your public body has in respect of expenses.

102 The provisions at paragraphs 3.26 and 3.27 of the Code apply at all times and not just when you are acting as a member of the public body. Other factors to consider include:

- whether you are either explicitly or impliedly allowing others to use public body facilities improperly;
- how the resource you are using is funded (for example, who pays for any transport or administrative support); and
- whether the resource is being used solely for you to carry out official public body business or for an activity which has expressly been authorised by your public body, or whether you are using it for something else as well.

A complaint alleged that a member used his public body's email account and computer to submit a tender application to another public body on behalf of his private consultancy business. It was found that the member had breached the provisions in the Code prohibiting the improper use of public body facilities.

A complaint alleged that a member asked employees in her public body's print room to print a substantial number of posters and flyers advertising a function being held to raise money for an external charity. While it was noted that the print room employees could have declined the request, the fact that it was made by a board member had made it difficult for them to do so. The Panel accepted that while the member had gained no personal benefit, she had nevertheless breached the Code.

A complaint alleged that a councillor had used Council facilities to send an email in relation to an application for planning permission submitted by his own company. He was found to have breached the provision in the Code concerning the improper use of Council facilities.

Dealing with my Public Body and Preferential Treatment

103 As a member, you must avoid conduct which seeks to further your own personal interests, or the interests of others you are connected to. You must also avoid conduct that may give the impression you are seeking preferential treatment. This can include when you are dealing with fellow members, as well as employees. The test is not only whether it is your intention to seek preferential treatment but also whether a member of the public, with knowledge of all the relevant facts, would reasonably consider that preferential treatment is being sought. You should note that *seeking* preferential treatment can be a breach of the Code, regardless of whether any action is taken as a result. Factors to consider include whether you are asking employees to:

- act in a way that suggests you are seeking preferential treatment for yourself or others;
- undertake work or do a task that is outwith their normal duties (unless prior approval has been given by the employee's line manager). As a member, you are in a position of influence and, as such, it may be difficult for an employee to refuse a request, even if they have concerns that it may not be appropriate for them to agree.

104 Paragraphs 3.28 to 3.30 of the Code are designed to ensure there is transparency in your dealings with employees of the public body. There is an onus on you to advise employees of any connection you may have to a matter when seeking advice, assistance or information whether within or outwith a formal meeting of the public body or its committees. This applies equally in circumstances where employees are seeking advice, assistance or information from you. These obligations apply to you whether you are in written or verbal communications with employees.

105 You should not assume that employees will be aware, or will remember, any personal interest you have in a matter, when you are seeking their advice, assistance or information. It is important that you identify any connection as it may be that it is inappropriate for the employee to provide you with advice, assistance or information on the matter, if your connection is one that could amount to declarable interest. For more information on what is meant by 'connection' and a 'declarable interest' in this paragraph, see the further guidance provided under Section 5 (Declaration of Interests).

A complaint alleged that a member of an NHS board sought preferential treatment when contacting employees about a close relative's place on a waiting list for hospital treatment. In contacting the employee, the member had sought information which would not normally be available to members of the public. The member had also sought to exert influence in asking that the relative's treatment be

expedited. It was found that the member's actions amounted to attempts to seek preferential treatment in breach of the Code.

A member asked an employee for their login details so they could log into a case management system in order to check the progress of a complaint made by a close friend. The employee in question refused to share the login details. However, the member was found to have breached the preferential treatment provision of the Code by virtue of their actions in seeking to gain entry to a case management system that they would not otherwise be allowed to access. While the member would have been entitled to ask for an update on the status of the complaint, the case management system contained personal data and confidential information to which the member was not entitled.

A firm, in which a councillor was a partner, submitted a planning application for a wind turbine. The Panel heard that the councillor sent two emails from his council email address, signed off by him as a councillor, to members of the planning committee that was due to consider the application. In his emails, the councillor outlined a number of points in favour of the planning application. The Panel determined that members of the public would reasonably conclude that, by sending the emails from his council email address and signing them off as a councillor, he was using his position as a councillor to seek preferential treatment. The councillor was found to have breached the Code.

Appointments to Outside Organisations

106 Public bodies may, on occasion, appoint or nominate their board members to outside bodies. If you are appointed or nominated to an outside body, you are still bound by the Code, but you will also have responsibilities as a member of the outside body. These responsibilities may potentially include personal liabilities and could also give rise to conflicts of interest. Such conflicts may arise through competing personal interests, or the competing interests of the respective organisations of which you are a member. You need to consider carefully whether you can accept such appointments in each case. Public bodies also need to consider these issues carefully when deciding which board members should be appointed or nominated to outside bodies.

107 You should be aware that you may need to register, in terms of Section 4 of the Code, your membership of another body. That membership could also amount to an interest that would require to be declared in terms of Section 5. More guidance in this regard can be found in the notes below on Sections 4 and 5.

108 If you are appointed or nominated by your public body to an outside body, as a director or a trustee, you will assume legal responsibilities as an individual. These legal responsibilities, as a director of a company, arise by virtue of the Companies Acts, and / or as a charity director or trustee by virtue of the Charities and Trustee Investment (Scotland) Act 2005 (if the outside body is a registered charity). The Office of the Scottish Charity Regulator has up to date guidance on the latter scenario at: https://www.oscr.org.uk/guidance-and-forms/guidance-and-good-practice-for-charity-trustees/. If appointed or nominated to an outside body, you should ensure that you are clear about the role and the responsibilities you will have to it as an individual. You will also have to act in the outside body's best interests and, as a member, will be bound by the provisions in any code of conduct it has adopted, when acting as such.

109 If you have any doubts about your responsibilities or concerns about the impact of an appointment to an outside body on your ability to adhere to your public body's Code, you should seek advice before accepting such an appointment or before any meeting at which appointments are to be made. Advice can be sought from your public body's employees or, if appropriate, from employees of the outside body.

SECTION 4: REGISTRATION OF INTERESTS

110 This section of the Code is intended to give members of the public confidence that decisions are being taken in the best interests of the public and not those of you or your family, friends or personal associates.

111 The Register is intended to be a public record of the interests that might, by their nature, be likely to conflict with your role as a member.

112 The fact that you have subsequently declared a registrable interest at a meeting would not necessarily be a defence to a complaint that you breached Section 4 of the Code by failing to register it. Accordingly, you should be as transparent and careful as possible when considering which interests you are required to register.

113 The Register should cover your whole term of office and, if any terms of office are consecutive, then the entire period that you have been a member of the public body. Should an interest no longer apply (for example if you cease to receive remuneration through employed work during your term of office), the entry should still be listed in the Register and retained for the whole term of office. However, you should amend the Register to reflect the change of circumstances, e.g. "*management consultant from xx/xx/2022 until xx/xx/2024*".

114 You should be aware that the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Amendment (No. 2) Regulations 2021 (the 2021 Regulations) state that public body employees must retain the record for a period of five years after the date a member ceases to be in office.

115 You are required by the 2021 Regulations to update your entries in the Register of Interests within one month of your circumstances changing. While your public body may issue a reminder annually or even on a more frequent basis, it is nevertheless your personal responsibility to ensure your entry is updated within one month of a new interest arising or of your circumstances changing. You should also ensure that you review all your entries in the Register at least once a year, even if you think nothing has changed.

116 For categories where the Code does not specifically mention the level of detail to be registered, it is for you to decide. In making such a decision, you should observe the key principles and, in particular, those of selflessness, integrity, openness and honesty. You should ensure you have provided enough information for a member of the public to be able to understand the nature of the entry in your Register without having to undertake any research. A failure to include sufficient information for an entry to be understandable could amount to a breach of the Code. For example, if you are registering employment, you should include the full name of your employer, not just an abbreviation. You should ensure your Register is amended timeously if you have made a mistake with an entry (such as recording the name of an employer incorrectly). You may wish to keep a note of why you have made an amendment, in case anyone questions this.

Category One: Remuneration

117 Paragraph 4.4 of the Code states that you must register any work for which you receive, or expect to receive, payment or reward. The level of remuneration, or how much you receive, does not matter in terms of whether an entry needs to be made under this category. This means paid work, no matter how casual or trivial in nature, requires to be registered. You are only required to register work for which you have received remuneration or are due to receive payment or reward

(if you have undertaken the work and are awaiting payment). For the avoidance of doubt, you do not need to register the reimbursement of expenses.

118 You do not need to state the exact job title of any remunerated post you hold as an employee, but you should provide a description that allows a member of the public to understand the type of role. For example, you could state:

"Since 2019, receive an ongoing salary as a part-time customer service agent for X+Y Limited, being an IT consultancy firm"; or "receive hourly rate payment for one day per week self-employed work for GreenFingers, being the trading name of my landscape gardening business which has operated since 2016"; or "received two fixed payments for writing two articles, published in May and September 2021 for Z, a trade magazine".

119 'Undertaking' is defined in Annex B of the Code as (a) a body corporate or partnership; or (b) an unincorporated association carrying on a trade or business, with or without a view to a profit. 'Body corporate' includes entities such as companies, limited liability partnerships and, potentially, Scottish Charitable Incorporated Organisations. 'Unincorporated associations' includes clubs, societies, and mutual associations. The key as to whether an interest is registrable under this category is whether you carry out work for the undertaking for which you receive some form of 'remuneration,' i.e. a wage, salary, share of profits, fee, or other monetary benefit or benefit in kind.

120 Paragraph 4.5 of the Code confirms you do not have to register any work that you carry out on behalf of the public body in your capacity as member. This includes any additional remuneration you receive to reflect any additional responsibilities you undertake for your public body, such as chairing a committee, or being the lead voting member on a health and social care integration joint board (IJB). However, any remuneration received as an employee of the body would need to be registered.

121 Paragraph 4.10 of the Code indicates that you should register 'any other work' besides a trade, profession or vocation. Such work might include freelance work that you undertake for a particular sector, or a paid consultancy, or educational or training courses you provide in return for payment.

Category Two: Other Roles

122 If you have been appointed as a member of an outside body (including where you have been nominated or appointed by your public body), you should ensure that the membership is registered in your Register of Interests either under Category One: Remuneration (if the position is remunerated) or under Category Eight: Non-Financial Interests (if the position is not remunerated).

123 If you hold an unremunerated directorship in an undertaking, and you are remunerated by a parent or subsidiary of that undertaking, you should register the unremunerated directorship under 'Other Roles.' For the sake of transparency, you should register the name and registration number of both undertakings, and the relationship between the two. Your remuneration in the parent or subsidiary undertaking should also be registered under Category One: Remuneration.

Category Three: Contracts

124 You must register an interest under this category where:

a. you as an individual; or

b. an undertaking that you have a substantial interest in either as a partner, director or shareholder (where the value of shares you hold is as described under Category Four: Shares and Securities)
has an upcoming or ongoing contract with the public body for the supply of goods or services, or for the execution of works. You do not need to state the value of the contract.

This category may overlap with Category One: Remuneration. If so, you should add an entry under both sections, for transparency. An example of the detail required would be as follows: *Director and shareholder of cleaning company which has a contract with MidScotland College to valet the college's vehicle fleet. Contract start date: 1 February 2020.*

Category Four: Election Expenses

125 'Donations' towards election expenses covers all monetary donations, including any received via crowdfunding, if individual contributions (including any from the same source) amount to more than £50.

Category Five: Houses, Land and Buildings

126 You should note that you are only required to register an interest in a house, land or building if the objective test is met. If you are required to register an interest under category five (in terms of paragraph 4.18 of the Code), you will need to provide your public body's Standards Officer with the full address of the house, land or buildings you own or in which you have any other right or interest. However, there is no requirement for any full address you provide to be disclosed on your public body's website or otherwise made publicly available. This means it is sufficient for the purposes of your publicly available register to simply identify where the property is located. For example, if you were a member of a national park authority, it would be sufficient to state: "*I own a residential property located within X National Park*".

127 Examples of other rights you may have in houses, land and buildings may include a right as a tenant, an agricultural tenant, as a trustee or beneficiary of a trust, or through a liferent. While it would not include testamentary or succession interests, it could include a matrimonial home or other permanent residence (even if you own another property), if the objective test is met.

Category Six: Interest in Shares and Securities

128 'Shares and securities' is intended to cover all types of financial investment models, including stocks, bonds, options, investment trusts, and other forms of part-ownership, including equity and debt ownership.

129 You have a registrable interest, in terms of paragraph 4.20(a) of the Code if, at any time, you own, or have an interest in more than 1% of the issued share capital of a specific company or body, provided the shares and securities in question are significant to, relevant to or bear upon the work or operation of your public body.

130 It should be noted that while the 2021 version of the Code does not contain a qualification stating that you are only required to register any interest in shares and securities under paragraph 4.20 if they are significant to, relevant to or bear upon the work or operation of your public body, the Scottish Government has confirmed that this is the case. A copy of the Scottish Government's letter to Devolved Public Bodies can be found at:
https://www.standardscommissionscotland.org.uk/codes-of-conduct/members-model-code-of-conduct

131 You have a registrable interest, in terms of paragraph 4.20(b) of the Code if, at the relevant date, the market value of any shares and securities (in any one specific company or body) you own or have an interest in is greater than £25,000, provided the shares and securities in question are significant to, relevant to or bear upon the work or operation of your public body. The 'relevant date' is defined in Annex B of the Code as the date you were appointed as a member, and on 5 April each year following your appointment.

132 For example, you are appointed as a board member of MidScotland College on 7 June 2021. For the purposes of paragraph 4.20(b) of the Code, 7 June 2021 is the first 'relevant date' on which you must consider the market value of your shares and securities. If, on 7 June 2021, the market value of any shares and securities (in any one specific company or body) you own or have an interest in is greater than £25,000, you must register that shareholding if it is significant to, relevant to or could bear upon the work or operation of the college. Thereafter, the next 'relevant date' on which you must consider the market value of your shares and securities is 5 April 2022, and then 5 April each following year.

133 An interest under shares and securities will also include investments made under self-invested pension plans provided, at the relevant date, they are either more than 1% of the issued share capital of a specific company or body or are greater than £25,000. This is provided the shares and securities in question are significant to, relevant to or bear upon the work or operation of your public body. However, you do not need to declare an interest in your public body's pension fund (if applicable).

134 In relation to paragraph 4.20 of the Code you will have a registrable interest as a trustee, (either as an individual or jointly with other trustees), where you have an interest as a beneficiary of the trust and where the benefit is greater than 1% of the trust's value or the value of that benefit is greater than £25,000.

Category Seven: Gifts and Hospitality

135 The default position is you should refuse gifts and hospitality, except in very limited circumstances outlined in paragraphs 3.13 to 3.21 of the Code. However, if you have accepted and registered gifts and hospitality under the previous versions of the Code, these should remain on your Register of Interests for the term of office.

Category Eight: Non-Financial Interests

136 When considering whether you have a registrable non-financial interest, you should bear in mind that the test is whether the interest is one which members of the public might reasonably think could influence your actions, speeches, decision-making or voting in the public body. An example of this might be membership of a society. You should consider whether such membership might lead members of the public to reasonably conclude that it could influence your actions, speeches, decision-making or voting, in terms of paragraph 4.22 of the Code. If so, you should register the interest.

137 A non-financial interest could include membership of a private society or private club, which has entry requirements or qualifications for membership. A relevant factor is whether the organisation has entry requirements or qualifications (other than payment of a fee or subscription or agreement to terms and conditions of membership), as opposed to being open to all. Further relevant factors could include whether you are an active member, and also whether you are an officeholder (given an officeholder might be more likely to interact with your public body on behalf

of the body, club, society or organisation). You may also wish to consider whether a failure to register the interest could be viewed as a deliberate omission.

138 In order to ensure you are being as transparent as possible, you should consider erring on the side of caution. You are reminded that any non-financial interest registered under Category Eight of the Code, is a connection in terms of Section 5 of the Code. That means you will have to consider whether it also needs to be declared, if the objective test is met, in terms of paragraph 5.5 of the Code.

139 You should bear in mind that the examples of possible non-financial interests stated in paragraph 4.22 of the Code are illustrative only and, therefore, are not an exhaustive list of potential non-financial interests. Others could include membership of, or participation in, community groups or advocacy bodies and relationships with groups who could potentially be impacted by, or benefit from, decisions taken by your public body (such as sports clubs or conservation groups).

Category Nine: Close Family Members

140 Paragraph 4.23 of the Code is intended to help ensure that your public body complies with accounting standards that require a public body's accounts to disclose the possibility that its financial position may have been affected by any related party transactions. Such transactions include contracts for the supply of goods and services, and the execution of works. While you are also required to declare the financial interests of others under paragraph 5.5 of the Code, if the objective test is met, there is a risk that your public body's finance team may not realise that you have done so when preparing the accounts. You are, therefore, required to register the interest of any close family member who has transactions with your public body or is likely to have transactions or do business with it. This is to ensure there is transparency in respect of any potential influence that anyone close to you, in your capacity as a member of your public body, may have over a transaction your public body has been involved in that, in turn, had an impact on its overall financial position.

141 The Code does not define what is meant by 'close family member' as this will depend on your individual circumstances, but it is likely that a spouse, cohabitee, partner, parent and child would be considered to fall within this category. You do not need to disclose the family member's name or any other personal data in the register; it is sufficient for you to identify the relationship and nature of the transaction. For example, *"my son is a partner in a law firm that has a contract to provide legal services to the health board".*

142 The fact that a close family member may be employed by your public body would not be considered a transaction or business for the purposes of Category Nine. Therefore, while such a connection could amount to a declarable interest under Section 5 of the Code, it would not require to be registered.

A board member of a Regional Transport Partnership (RTP) failed to register his membership of a prominent cycling pressure group. The Panel found that a member of the public with knowledge of the membership of the pressure group might reasonably think that the member's actions and decision-making at the RTP would be influenced by that interest. As such, the Panel determined it was an interest that should have been registered as a non-financial interest under Category Eight.

A member failed to register that they received a one-off payment for writing an article in a trade magazine. The article was published and payment was received after the member's appointment to the board of her public body. The Panel accepted that the failure to register was inadvertent, but nevertheless found that a breach of the Code had occurred.

A member failed to ensure his one-third shareholding in a company was registered correctly and timeously. While the Panel accepted that there was no intention to mislead or deceive, and that neither the member nor the company had gained any benefit from the oversight, he was nevertheless found to have breached the Code.

A complaint alleged that a councillor failed to register a financial interest in respect of her remunerated employment as an office manager with a member of the Scottish Parliament. The Panel noted that the councillor had publicly announced, via a posting on a social media site, that she would be working for the MSP. While it was accepted that this demonstrated there was no evidence of any deliberate attempt to conceal the employment, the councillor was nevertheless found to have breached the Code.

SECTION 5: DECLARATION OF INTERESTS

143 The requirement for members to declare certain interests is a fundamental requirement of the Code. A failure to do so removes the opportunity for openness and transparency in a member's role and denies the public the opportunity to consider whether a member's interests may or may not influence their discussion and decision-making.

144 Should you be in any doubt about the legal implications of your participation in a public body discussion or decision, you should seek advice from your Standards Officer, Chair or Chief Executive before taking part.

Stage 1: Connection

Paragraph 5.1

145 In your work as a member, you will have connections with a great number of people and organisations. In the same way, your financial affairs, employment and property holdings - or those of individuals close to you or bodies you are involved with - will sometimes mean that you have a connection to a matter that your public body is considering, in some way.

146 Such connections will not always amount to an interest that you are required to declare. However, you should always consider whether this is a possibility, in the context of your role as a member and in respect of any specific matter you are being asked to consider. You should always err on the side of caution, and if you are in any doubt you should consult your public body's Standards Officer.

147 It should be noted that a subject that may apply to a large proportion of the general public would not generally be considered to give rise to a connection for the purposes of the Code. For example, being a taxpayer, or being in receipt of a state pension or universal credit.

Paragraph 5.2

148 The Code cannot provide for every type of relationship that could result in a connection, as this will depend on the facts and circumstances; for example, how close you are to the individual in question and how often you see them. It should be noted, however, that certain relationships such as spouse, partner, cohabitee, close friend, parent or child are likely to result in a connection.

149 It is impossible to list every type of connection you could possibly have with a matter involving or to be considered by your public body. However, some common examples would include:

- your public body considering some form of financial assistance or decision that could have a direct effect on an organisation you, your partner, or someone close to you works for;
- your membership of another body or organisation that is seeking to agree a contract with your public body;
- some form of personal connection with a person making an application, or a complaint, to your public body.

150 The Code does not restrict the ability of a public body to benefit from the knowledge and experience of its members. Having knowledge or experience of a matter that is to be considered by your public body is not necessarily a connection. For example, if your public body is considering tenders received for the provision of a new IT system, your knowledge and experience as an IT specialist would not be considered a connection. Similarly, a subject that may apply to a large proportion of the general public would not generally be considered to give rise to a connection

for the purposes of the Code. For example, being a taxpayer, or being in receipt of a state pension or universal credit.

151 It is also recognised that some members are appointed to public bodies in a representative capacity. For example, carer or third sector representatives on Health and Social Care Integration Joint Boards, or student representatives on a college board. Being appointed to a board in a representational capacity or for a particular reason is not in itself a connection. For example, being a carer representative on a health and social care integration joint board (IJB) would not be considered a connection in respect of all matters before the IJB that could affect carers. Such a representative may have a connection (that in turn could amount to a declarable interest if the objective test is met), if the specific matter being considered or discussed by the IJB affected them directly and individually.

Paragraph 5.3

152 Paragraph 5.3 of the Code makes it clear that anything you have registered as an interest in terms of Section 4 of the Code (Registration of Interests) would be considered a connection for the purposes of Section 5.

Paragraph 5.4

153 You should also be mindful of the specific responsibilities you have to different bodies and be aware of the potential for conflicts of interests between your different roles. Membership of a body you have been appointed or nominated to by the public body, as its representative, would not normally be a connection.

154 However, this does not apply where the matter being considered by your public body is quasi-judicial or regulatory in nature. An example of where you would have a connection as a member of a different body would be where the other body has applied for a licence or consent from your public body, or is an objector to such an application. This is regardless of whether or not you actively participated in the decision by the other body to make the application or objection.

155 In terms of being a member of an outside body, the Code also states you may have a connection where you have a personal conflict, either by reason of:

a. your actions;
b. your connections (other than your membership of the outside body); or
c. your legal obligations.

156 An example of where you may have a personal conflict, and therefore a declarable interest, **by reason of your actions** could be where, just before being appointed to your board, you made critical comments in the press about another organisation's wastefulness in terms of expenditure. If, following your appointment, the other organisation makes a funding application to your public body it is likely that your actions may have resulted in you having a personal conflict.

157 An example of where you may have personal conflict **by way of a connection** (other than solely from your membership of the outside body) would be where your partner works for the outside body, and the body is seeking funding from the public body for its operations that could have an impact on your partner's job.

158 Examples of where you may have a personal conflict **as a result of legal obligations** would include where you are either a director of a company or a charity trustee. Both the Companies Acts and the Charities and Trustee Investment (Scotland) Act 2005 impose obligations on you to act in the

best interests of the company or charity, and those obligations may conflict with your role as a member. If you are in doubt as to what your legal obligations are to the outside body, you should seek advice from its legal advisers.

Stage 2: Interest

Paragraph 5.5

159 Having decided that you have a connection to a particular matter, you should apply the objective test to that connection to decide whether it amounts to an interest that requires to be declared.

160 The **objective test** outlined in paragraph 5.5 of the Code assumes that a member of the public has knowledge of the relevant facts. The question you need to consider is whether a member of the public, with this knowledge, would reasonably regard the connection as so significant that it would be likely to prejudice your discussion or decision-making in your role as a member. If the answer is yes, the connection is an interest which you should declare.

161 At all times when applying the objective test, you should be aware that it is just that – objective. The test is not what you yourself know about your own motivations and whether the connection would unduly influence you: it is what others would reasonably think, if they were in possession of the relevant facts. Relevant facts would include the nature and extent of your connection, and the nature and extent of the specific agenda item to be discussed or determined by your public body. For example, a relevant fact would not just be that you knew someone who was connected to a matter to be discussed. It could include be how well you know them and in what capacity. The relevant facts could also include whether your board is being asked to discuss and determine a matter, or whether it is simply being asked to note a decision taken by employees. Relevant facts could further be the composition of your board, and the role and remit of your public body.

162 There may be instances where, having applied the objective test, you consider the connection is so remote and insignificant that you do not think it amounts to an interest. Examples might be where a charity to whom you occasionally donate is seeking funding from your public body, or when a neighbour with whom you have little social contact works for a company that has a contract to provide cleaning services for the building where your public body's offices are located.

A complaint alleged that a member of a public body sat on the Appointment Panel for the recruitment of a new Chief Executive, despite being a close friend of one of the candidates. Having reviewed all evidence, including that given by witnesses at the Hearing, the Panel determined that there was no breach of the Code. This was because there was no evidence that the member's association with, or connection to, the candidate in question went beyond a limited professional relationship or that they had engaged in any contact outside a work setting. The Panel concluded that a member of the public, with knowledge of these relevant facts, would not reasonably regard the member's connection as being so significant that it would be considered as being likely to influence their discussion or decision-making. As such, the connection did not amount to an interest that would require to be declared for the purposes of Section 5 of the Code.

A member of a health board took part in a discussion about snagging issues in respect of the construction of a new hospital, despite having previously been engaged in a claim for legal damages against a subsidiary of the construction company, in respect of a private property. Having applied the objective test, the Panel determined that while the member had a connection to the company, this did not amount to a declarable interest. This was because the Panel did not consider that a member of the public, with knowledge of the relevant facts (being the fact that the legal dispute had concluded and was against a subsidiary company), would reasonably regard the member's

connection to the matter as being sufficiently significant as to be likely to influence her discussion on the snagging issues in her role as a member.

163 Section 3 of the Code sets out the very limited circumstances in which you would accept gifts and hospitality. As you must apply an objective test when deciding whether or not to accept any gift or hospitality being offered, it would be unusual for such a gift or hospitality to be so significant that it would constitute an interest.

164 When making a declaration of interest you only need provide enough information for those at the meeting to understand why you are making a declaration. For example, it may be sufficient to say: "*I declare an interest as my partner is a member of the organisation making the application*". You might not necessarily need to provide details about how long your partner has been a member and in what capacity.

165 You must disclose or declare your personal interests both in formal and informal dealings with public body employees and other members, not just in formal board or committee meetings. This is an important consideration, especially when you are seeking advice or assistance from public body employees or other sources. You should not assume that employees and others will know or will remember what your interests are.

166 You should be mindful of the need to protect the confidentiality of another person's business or financial interests when making a declaration of interest. You are only required to provide enough information to make it clear why you consider you have a clear and substantial interest.

A complaint alleged that an NHS board member took part in a discussion at a meeting on a review of child health and medical paediatric inpatient services at a local hospital, where a freedom of information (FoI) request and press coverage were considered. This was despite being aware that an FoI request had been submitted to the Health Board on behalf of his employer, who was an MSP. The employer, who had an interest in retaining certain services under consideration, had previously raised the issue in the Scottish Parliament and had made public statements in the press. The Panel considered that members of the public, with knowledge of the member's employment, the issues and concerns raised by his employer and the nature of the matters to be discussed at the meeting (being the relevant facts), would reasonably conclude that the member's connection was sufficiently significant as to be likely to affect his discussion and decision-making at the meeting. It was found that the member's failure to declare an interest amounted to a breach the Code.

A complaint alleged a member failed to declare an interest at a board meeting where reports were presented about the public body's contribution towards the funding of certain voluntary organisations, one of which was her employer. This was despite the member's employer having been mentioned specifically in reports considered at the meeting in question. It was found that the member should have applied the objective test, declared a non-financial interest and taken no further part in the discussions and decision-making at the meeting. She was found to have breached the Code.

A college board was considering a plan for the restructuring of the college's academic faculties. Though the exact details of the restructuring were not yet finalised, it was likely that the plan would result in a number of job losses. A board member, who had a close friend employed as a lecturer in one of the faculties potentially under threat by the restructuring, failed to declare that friendship as an interest. By failing to declare the interest, the Panel found that the member had breached the Code. Although it was not certain that the restructuring would have resulted in the loss of his friend's job, it was considered that members of the public, with knowledge of the relevant facts, would reasonably have regarded the member's friendship as being sufficiently significant as to be likely to prejudice his discussion and decision-making on the plan.

Stage 3: Participation

Paragraph 5.6

167 If you decide that you should declare an interest, you should do so at the earliest opportunity. If you only realise a declaration is necessary when the discussion in respect of a matter is underway, you may wish to consider whether you should provide a brief explanation as to why you had not realised you had an interest at the outset of the meeting.

168 Thereafter, when the item is being considered, you should leave the room (unless those still taking part in the consideration of the matter retire to a separate room). It is not sufficient for you to retire to the back of the room or the public gallery. If the meeting is being held online, you should retire to a separate breakout room or leave and re-join after the discussion on the matter has concluded. It is not sufficient for you to turn off your camera and / or microphone for the duration of the matter.

169 You should not give anyone reason to doubt that you are no longer in any position to influence the outcome of deliberations on the relevant item either directly or indirectly. This means that you should refrain from contacting your member colleagues remotely (for example by email or text) while they are considering the item.

A member who was involved in a decision regarding whether to retain paediatric A&E services at a specific hospital, made a declaration of interest stating that their partner was a nurse in the A&E department in question. The member's declaration was noted and they were asked to leave the meeting, which was being held online. However, instead of fully leaving the online meeting, the member simply switched off their camera, meaning that they were still able to see and hear the proceedings. The member then sent WhatsApp messages to their colleagues on the board, outlining further arguments as to why the A&E services should be retained. The Panel found that the member had breached the Code.

Part of the agenda for a public body's board meeting dealt with consideration of a proposed memorandum of understanding between the public body and a university. At the outset of the board meeting, a member, who was also Chancellor of the university in question, declared an interest. When the agenda item arose, the member excused themselves from the board meeting and left the room, returning only when discussion of the memorandum had completed. The member's declaration, together with the fact they had left the meeting, was documented in the board minutes. The member had, therefore, acted in accordance with the Code.

170 Where an interest only concerns an agenda item that is before the public body or one of its committees, for noting or formal approval, no declaration is required unless it is then decided that the item needs to be discussed or debated as a substantive issue.

171 You are reminded that, when considering whether a declaration of interest is appropriate or the effect of making a declaration in terms of the actions you are then required to take, you should refer to the full provisions of the Code. The Standards Commission has produced an Advice Note for Members on How to Declare Interests, which can be found at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

172 You may wish to check that any declaration of interest you have made at a formal meeting is recorded in the minute with the relevant agenda item identified. For example: *"Ms A declared an interest in relation to the funding application at Agenda Item 16 as she is a director of the*

company making the application. Ms A therefore left the room and took no part in the discussion or decision-making on that item".

Paragraph 5.7

173 If, having applied the objective test, you decide a connection you have to a matter does not amount to a declarable interest, you may wish to explain why. This can be helpful if you suspect that members of the public may be aware of your connection, but may not have knowledge of all the relevant facts.

174 In such circumstances you might want to make a transparency statement (although a failure to do so would not amount to a breach of the Code). For example, you could state: "*I have a connection to this item by reason of… However, having applied the objective test I do not consider that I have an interest to declare. This is because…".* If you think it would be helpful, you can ask the employees who are clerking the meeting to note your transparency statement in the minutes. Similarly, you may wish, for the sake of transparency, to state that you were offered, but turned down, a gift or hospitality.

175 You should note, however, that transparency statements are not intended to be an alternative to declaring an interest when such a declaration would be required. You must always apply the objective test to any connection and if, having applied the test, you determine that connection amounts to an interest, you must declare that interest and withdraw (as explained above).

Paragraph 5.8

176 The Standards Commission can consider requests for dispensations in certain circumstances, either from or on behalf of an individual member, or from or on behalf of a class or category of members, who would otherwise be required to declare an interest.

177 Any application for a dispensation should be submitted either by email to enquiries@standardscommission.org.uk or by mail to the Executive Director, The Standards Commission for Scotland, Room T2.21, The Scottish Parliament, Edinburgh, EH99 1SP. Any application should detail all the relevant information, including the reasons why a dispensation is sought. Factors to consider before making any such an application include whether:

- it would be in accordance with both the spirit and intent of the Code to grant the dispensation; and
- you have provided sufficient reasons for the request, including what the effect or consequence would be if it was not granted.

178 In considering any dispensation request, the Standards Commission will consider information provided in respect of the two points above, and also whether any connection outlined would be likely to be sufficiently significant as to amount to a declarable interest when the objective test is applied.

179 It should be remembered that a subject or category that may apply to a large proportion of the general public would not generally be considered to give rise to a connection for the purposes of the Code.

180 The Standards Commission will respond as soon as practicable after receipt of all information, usually within 20 working days. Where an application for dispensation relates to a specific item of business, the Standards Commission will endeavour to respond before the meeting in question. However, Standards Commission Members work on a part-time basis, so this may not

always be possible. As such, all applications should be submitted to the Standards Commission as soon as the relevant information / circumstances are known.

181 If a dispensation is granted, you should state this at the meeting, and ask for it to be recorded in the minutes.

Paragraph 5.9

182 There is no definition for what may constitute a 'frequent' declaration of interest in terms of paragraph 5.9 of the Code, as this will depend entirely on the specific facts and circumstances of each case and how often the matter in which you have an interest is discussed by the public body. For example, declaring the same interest at four meetings of a public body that only meets on a quarterly basis might be considered 'frequent'. However, this may not necessarily be the case if the public body met twice a month and discussed the same matter in which you have an interest at a few consecutive meetings.

SECTION 6: LOBBYING AND ACCESS TO BOARD MEMBERS

183 As a member, you will be approached by those wishing to make their views known. This is perfectly legitimate and should be encouraged, as it is important that individuals are able to engage with public bodies. Section 6 of the Code outlines what you can and cannot do when you are approached and lobbied by individuals or groups intent on making their views known.

184 Paragraph 6.1 of the Code sets out some of the ways in which you, as a member, may be lobbied. For example, you may be lobbied by a service user on a personal issue, such as the service your public body is providing. You may be approached by someone seeking financial or other benefit from the public body, either by way of a contract for goods or services, or some form of licence or consent.

185 It is easy for the lines between these different types of approach to become blurred, particularly when you are dealing with casework or regulatory matters, such as planning or licensing applications. It is important to recognise, however, that the integrity and reputation of the public body's decision-making process depends on openness, transparency and following proper process. There is a risk that private meetings with lobbyists, particularly those that fall outwith the public body's procedures, and where employees are not involved, will undermine or could reasonably be perceived as undermining this.

186 Lobbyists can expect to deal with public body employees at certain stages of an application process. If you are seen as facilitating an approach outwith the normal process, there may be a perception that you have allowed the lobbyist special access to the decision-maker and that you are bypassing employees. As such, if you are approached by anyone about a pending decision of any kind, you should advise the employees who are dealing with the matter and give them all relevant information.

187 Paragraph 6.5 of the Code notes that if you have concerns about the approach or methods used by any person or organisation in their contacts with you, you can seek the guidance of the Chair, Chief Executive or Standards Officer. You can also seek advice from a colleague or external advice, as you deem appropriate.

188 Discussing the information you have received from lobbyists with employees will give you an opportunity to establish if it is something that they were not aware of and / or if it is relevant to any decision you will be making. It may be that lobbyists will present information in a way that is favourable to their case, but which does not give the complete picture. Employees can give you professional advice on what may or may not be a relevant consideration in respect of any decision you will be making.

189 Even if you do not make casework or regulatory types of decisions, there are still likely to be issues under the Code that you will need to consider. In particular, it would be a breach of the Code for you to lobby employees who are making decisions on casework or contracts, either on your behalf, or on behalf of others.

Service User Enquiries

190 As a member of a public body, you have a representative role and, as such, may be approached by service users. Allowing service users to advise you of their views, including any concerns, helps ensure the public body is perceived as being open, accessible and responsive to the needs of the public. When you respond, you should be mindful of the need to treat everyone with respect, and to otherwise promote the key principles outlined in Section 2 of the Code. In some cases,

however, you may feel that there is nothing further to be gained by responding to a service user and that you are not able to help them further. In those circumstances, you should politely inform the service user accordingly. It should be noted that there may be circumstances where it may be better to refrain from responding at all (for example, if the service user is the subject of action under any Unacceptable Actions Policy). If you are in doubt, you should seek advice from the Standards Officer.

191 You are entitled to raise a service user's enquiry with the relevant employee, although you should, at all times, follow your public body's policies on the processing of personal data. You can ask questions about how a service has been delivered, and can seek information on progress on behalf of a service user, but you should be careful not to stray into operational management by making repeated enquiries about the same matter or trying to direct employees into taking any action. For more advice on this, please see the Standards Commission's Advice Note for members on distinguishing between their strategic role and any operational work, which can be found at: https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

192 You should be aware of the distinction between a service user's request for service (or for information about a service), and a complaint about a service received. In the latter case, you should recommend that the service user makes use of the public body's complaints handling procedure (based on the Scottish Public Services Ombudsman's Model Complaints Handling Procedure, if applicable), as this enables common patterns of complaint to be identified, and enables a complainer to escalate their complaint to the Scottish Public Services Ombudsman, if necessary and as appropriate.

193 Inevitably there will be occasions where the service user looking for your help is also a public body employee. While they are entitled to do so as a private individual in the same way as any other service user, you should decline to get involved in anything which relates to their status as an employee (such as performance or attendance management). You are a member of the organisation that employs them, and employment matters should be handled by their line manager or their union representative, as appropriate.

Lobbying

194 Paragraph 6.7 of the Code notes that it is important that you understand the basis on which you are being lobbied in order to ensure that any action taken in connection with a lobbyist complies with the standards set out in the Code and the Lobbying (Scotland) Act 2016. This Act aims to increase public transparency about lobbying and defines particular types of communication as 'regulated lobbying'. The Law requires anyone who engages in regulated lobbying to record details of their activities on a Lobbying Register website. Regulated lobbying only involves lobbying when it takes place face-to-face with:

- Members of the Scottish Parliament;
- Members of the Scottish Government (including the Scottish Law Officers); and
- Junior Scottish Ministers; the Permanent Secretary of the Scottish Government; and Scottish Government Special Advisers.

195 Private meetings with lobbyists - whether professional lobbyists or members of the public seeking your support - can undermine public trust in decision-making processes. It can also have consequences for the lobbyist. For example, a private meeting could disqualify them from the tender process if they are bidding for a public body contract. Private meetings can also involve offers of hospitality, which could lead to a breach of the gift and hospitality provisions at paragraphs 3.13 to 3.21 of the Code.

196 If you are approached by a lobbyist, it is likely that they are seeking your involvement as a lobbyist in turn, whether as a decision-maker or otherwise. It is important to recognise that there is a difference between lobbying on behalf of a commercial or personal interest, and lobbying for a policy change or benefit which affects a group of people, a community, or an organisational sector. You should always consider what will benefit the public body and its service users as a whole, not just any narrow sectoral interest.

197 You must not, in any case, accept any paid work in which you give advice on how to influence your public body. An example of a breach of the Code in this regard could be if a member of the Standards Commission provided paid consultancy services to a political party in respect of how to best respond to complaints and represent its members at Hearings convened to consider potential breaches of Codes.

198 In all situations, care is needed. You should be guided by the Code and, in particular, consider whether:

- anything you do or say be construed as you having been improperly influenced to take a particular stance on an issue;
- you are giving, or could you be perceived as giving, preferential access to any one side of an argument;
- when seeking information on the progress of a case or particular matter whether you are doing so in a factual way or could you instead be perceived as making representations or lending support; and
- you are reaching your own view on a matter having heard all the relevant arguments and evidence (including the guidance of public body employees), and not simply agreeing or complying with any view expressed by your member colleagues.

199 If you choose to be an advocate for or against a particular cause, you will forfeit your right to be a decision-maker in regulatory or quasi-judicial decisions concerning that cause. If you are approached, you can listen to views expressed but you must make it clear that you cannot lend support or make a decision until the appropriate meeting, when you have heard and considered all relevant and material evidence and information. However, you can:

- advise employees of the representations you have received;
- assist service users in making their views known to the relevant employee;
- seek factual information about the progress of a case; and / or
- advise those that are lobbying who they can contact (being the relevant employee).

A board member introduced a change to her public body's funding application policy, which was subsequently approved by the board. Following board approval, a service user sent the member an email complaining about the policy change. The member referred the service user's email to the Chief Executive for an employee response. The service user complained that the member's failure to respond indicated that she did not want to engage with him and had denied him access. The Panel noted, however, there was no specific obligation under the Code for individual members to respond to all who approach them. The Panel considered that the member had acted appropriately in referring the email to the Chief Executive so that the appropriate employee could respond. As such, it determined that the complaint did not amount to a breach of the Code.

A complaint alleged that a councillor had been involved in a 'secret' meeting with some local residents. The outcome of the meeting resulted in a Traffic Regulation Order (TRO), which ultimately led to the introduction of parking restrictions. The complainer alleged that, by attending the meeting, the councillor had failed to be accessible to the public and had demonstrated bias in favour of some residents. It was established, however, that the councillor had been accompanied at the meeting by

an officer from the Council's Roads Services. There was no evidence or suggestion that the councillor had indicated support for or against the making of the TRO, and as such his conduct did not give rise to a breach of the Code.

A complaint alleged that a Health Board member had held an individual meeting with a supplier of medical equipment, despite knowing that the supplier was involved in an ongoing tender process. The member met with the supplier alone, without taking an employee of his public body, and without informing his board in advance that he was meeting the supplier. At the next meeting of the board, the tender applications were discussed and the supplier in question was awarded the contract. The Panel found that by meeting with the supplier alone and by subsequently taking part in the discussions and decision-making over the tender, the member had breached the Code. It was likely that a member of the public, with knowledge of the relevant facts, would perceive that, by agreeing to the meeting, the member had offered preferential treatment to the supplier compared to the other suppliers involved in the tender.

A member of a board involved in the provision of grant funding accepted payment from a lobbying organisation. At a subsequent board meeting, convened to discuss and decide upon a round of funding, the member posed a number of critical questions and made derisive comments regarding the majority of the funding applicants. The member did not, however, criticise or comment upon an application for funding by a body that transpired to be a client of the lobbying organisation. The Panel found that by accepting the payment from the lobbying organisation, the member breached the Code and, further, that it was clear from his actions in the board meeting that, in return for the payment, he was attempting to accord preferential treatment to the lobbying organisation's client.

ANNEX A

BREACHES OF THE CODE

Hearings

200 The Standards Commission, after receiving a report from the Ethical Standards Commissioner, (ESC), can decide to hold a Hearing (usually in public) to determine whether a breach of the Code has occurred and, if so, to determine the appropriate sanction. A policy outlining the factors the Standards Commission will consider when making such a decision on a report referred by the ESC can be found at: https://www.standardscommissionscotland.org.uk/cases.

201 Details of the procedures followed at a Standards Commission's Hearing are outlined in its Hearings Process Guide and Rules, which can be found at: https://www.standardscommissionscotland.org.uk/cases/hearing-rules.

202 Section 24 of the 2000 Act provides for complaints about employee and *ex officio* members of devolved public bodies. The Section provides that, on receipt of a report referred by the ESC about a member of a devolved public body (a) who is also an employee; or (b) who is an *ex officio* member of the body, the Standards Commission shall send the report to the devolved public body. The Standards Commission will note that while it does not have the power to take any action in respect of the Respondent in those cases, the devolved public body may nevertheless wish to do so. It is noted that this could include:

- consideration of whether initiating disciplinary procedures is appropriate if the Respondent is an employee; and/or
- advising the organisation in which the Respondent holds office, and is a member of the devolved public body by virtue of holding that office, of the ESC's findings.

Sanctions

203 Section 19 of the 2000 Act obliges a Hearing Panel to impose a sanction. This can be either a censure, suspension, or removal from the board and disqualification:

Censure: A censure is a formal record of the Standards Commission's severe and public disapproval of the member.

Suspension: This can be a full or partial suspension (for up to one year). A full suspension means that the member is suspended from attending all meetings of the public body. A partial suspension means that the member is suspended from attending some of the meetings of the public body. In imposing a suspension on a member, the Standards Commission can direct that any remuneration or allowance deriving from membership of the body that would be payable to the member be not paid or be reduced.

Disqualification: Disqualification means that the member is removed from their membership and disqualified from membership of the body for the period determined (which can be up to five years). In circumstances where the member is also a councillor, or a member of another devolved public body, the disqualification may extend to that member's status as a councillor or member of the other devolved public body.

204 The Standards Commission's policy outlining the factors a Hearing Panel will consider when making a decision on the sanction to be imposed can be found at: https://www.standardscommissionscotland.org.uk/cases/hearing-rules.

Interim Suspensions

205 Section 21 of the 2000 Act gives the Standards Commission power to impose an interim suspension on a member on receipt of an interim report from the ESC about an ongoing investigation. A policy outlining the Standards Commission's approach to interim suspensions can be found at: https://www.standardscommissionscotland.org.uk/cases/details-of-alleged-breach.

206 The decision to impose an interim suspension should not be seen as a finding on the merits of a complaint, nor as a disciplinary measure.



Standards Commission for Scotland
Room T2.21
The Scottish Parliament
Edinburgh
EH99 1SP

Email: enquiries@standardscommission.org.uk
0131 348 6666
www.standardscommissionscotland.org.uk

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Facebook
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Model Code of Conduct for Members of Devolved Public Bodies

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Riaghaltas na h-Alba
gov.scot

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Section 1: Introduction To The Model Code Of Conduct

1.1 This Code has been issued by the Scottish Ministers, with the approval of the Scottish Parliament, as required by the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the "Act").

1.2 The purpose of the Code is to set out the conduct expected of those who serve on the boards of public bodies in Scotland.

1.3 The Code has been developed in line with the nine key principles of public life in Scotland. The principles are listed in Section 2 and set out how the provisions of the Code should be interpreted and applied in practice.

My Responsibilities

1.4 I understand that the public has a high expectation of those who serve on the boards of public bodies and the way in which they should conduct themselves in undertaking their duties. I will always seek to meet those expectations by ensuring that I conduct myself in accordance with the Code.

1.5 I will comply with the substantive provisions of this Code, being sections 3 to 6 inclusive, in all situations and at all times where I am acting as a board member of my public body, have referred to myself as a board member or could objectively be considered to be acting as a board member.

1.6 I will comply with the substantive provisions of this Code, being sections 3 to 6 inclusive, in all my dealings with the public, employees and fellow board members, whether formal or informal.

1.7 I understand that it is my personal responsibility to be familiar with the provisions of this Code and that I must also comply with the law and my public body's rules, standing orders and regulations. I will also ensure that I am familiar with any guidance or advice notes issued by the Standards Commission for Scotland ("Standards Commission") and my public body, and endeavour to take part in any training offered on the Code.

1.8 I will not, at any time, advocate or encourage any action contrary to this Code.

1.9 I understand that no written information, whether in the Code itself or the associated Guidance or Advice Notes issued by the Standards Commission, can provide for all circumstances. If I am uncertain about how the Code applies, I will seek advice from the Standards Officer of my public body, failing whom the Chair or Chief Executive of my public body. I note that I may also choose to seek external legal advice on how to interpret the provisions of the Code.

Enforcement

1.10 Part 2 of the Act sets out the provisions for dealing with alleged breaches of the Code, including the sanctions that can be applied if the Standards Commission finds that there has been a breach of the Code. More information on how complaints are dealt with and the sanctions available can be found at **Annex A**.

Section 2: Key Principles Of The Model Code Of Conduct

2.1 The Code has been based on the following key principles of public life. I will behave in accordance with these principles and understand that they should be used for guidance and interpreting the provisions in the Code.

2.2 I note that a breach of one or more of the key principles does not in itself amount to a breach of the Code. I note that, for a breach of the Code to be found, there must also be a contravention of one or more of the provisions in sections 3 to 6 inclusive of the Code.

The key principles are:

Duty
I have a duty to uphold the law and act in accordance with the law and the public trust placed in me. I have a duty to act in the interests of the public body of which I am a member and in accordance with the core functions and duties of that body.

Selflessness
I have a duty to take decisions solely in terms of public interest. I must not act in order to gain financial or other material benefit for myself, family or friends.

Integrity
I must not place myself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence me in the performance of my duties.

Objectivity
I must make decisions solely on merit and in a way that is consistent with the functions of my public body when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

Accountability and Stewardship
I am accountable to the public for my decisions and actions. I have a duty to consider issues on their merits, taking account of the views of others and I must ensure that my public body uses its resources prudently and in accordance with the law.

Openness
I have a duty to be as open as possible about my decisions and actions, giving reasons for my decisions and restricting information only when the wider public interest clearly demands.

Honesty
I have a duty to act honestly. I must declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership
I have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of my public body and its members in conducting public business.

Respect
I must respect all other board members and all employees of my public body and the role they play, treating them with courtesy at all times. Similarly, I must respect members of the public when performing my duties as a board member.

Section 3: General Conduct

Respect and Courtesy

3.1 I will treat everyone with courtesy and respect. This includes in person, in writing, at meetings, when I am online and when I am using social media.

3.2 I will not discriminate unlawfully on the basis of race, age, sex, sexual orientation, gender reassignment, disability, religion or belief, marital status or pregnancy/maternity; I will advance equality of opportunity and seek to foster good relations between different people.

3.3 I will not engage in any conduct that could amount to bullying or harassment (which includes sexual harassment). I accept that such conduct is completely unacceptable and will be considered to be a breach of this Code.

3.4 I accept that disrespect, bullying and harassment can be:

a) a one-off incident,
b) part of a cumulative course of conduct; or
c) a pattern of behaviour.

3.5 I understand that how, and in what context, I exhibit certain behaviours can be as important as what I communicate, given that disrespect, bullying and harassment can be physical, verbal and non-verbal conduct.

3.6 I accept that it is my responsibility to understand what constitutes bullying and harassment and I will utilise resources, including the Standards Commission's guidance and advice notes, my public body's policies and training material (where appropriate) to ensure that my knowledge and understanding is up to date.

3.7 Except where it is written into my role as Board member, and / or at the invitation of the Chief Executive, I will not become involved in operational management of my public body. I acknowledge and understand that operational management is the responsibility of the Chief Executive and Executive Team.

3.8 I will not undermine any individual employee or group of employees, or raise concerns about their performance, conduct or capability in public. I will raise any concerns I have on such matters in private with senior management as appropriate.

3.9 I will not take, or seek to take, unfair advantage of my position in my dealings with employees of my public body or bring any undue influence to bear on employees to take a certain action. I will not ask or direct employees to do something which I know, or should reasonably know, could compromise them or prevent them from undertaking their duties properly and appropriately.

3.10 I will respect and comply with rulings from the Chair during meetings of:

a) my public body, its committees; and
b) any outside organisations that I have been appointed or nominated to by my public body or on which I represent my public body.

3.11 I will respect the principle of collective decision-making and corporate responsibility. This means that once the Board has made a decision, I will support that decision, even if I did not agree with it or vote for it.

Remuneration, Allowances and Expenses

3.12 I will comply with the rules, and the policies of my public body, on the payment of remuneration, allowances and expenses.

Gifts and Hospitality

3.13 I understand that I may be offered gifts (including money raised via crowdfunding or sponsorship), hospitality, material benefits or services ("gift or hospitality") that may be reasonably regarded by a member of the public with knowledge of the relevant facts as placing me under an improper obligation or being capable of influencing my judgement.

3.14 I will never **ask for** or **seek** any gift or hospitality.

3.15 I will refuse any gift or hospitality, unless it is:

a) a minor item or token of modest intrinsic value offered on an infrequent basis;
b) a gift being offered to my public body;
c) hospitality which would reasonably be associated with my duties as a board member; or
d) hospitality which has been approved in advance by my public body.

3.16 I will consider whether there could be a reasonable perception that any gift or hospitality received by a person or body connected to me could or would influence my judgement.

3.17 I will not allow the promise of money or other financial advantage to induce me to act improperly in my role as a board member. I accept that the money or advantage (including any gift or hospitality) does not have to be given to me directly. The offer of monies or advantages to others, including community groups, may amount to bribery, if the intention is to induce me to improperly perform a function.

3.18 I will never accept any gift or hospitality from any individual or applicant who is awaiting a decision from, or seeking to do business with, my public body.

3.19 If I consider that declining an offer of a gift would cause offence, I will accept it and hand it over to my public body at the earliest possible opportunity and ask for it to be registered.

3.20 I will promptly advise my public body's Standards Officer if I am offered (but refuse) any gift or hospitality of any significant value and / or if I am offered any gift or hospitality from the same source on a repeated basis, so that my public body can monitor this.

3.21 I will familiarise myself with the terms of the Bribery Act 2010, which provides for offences of bribing another person and offences relating to being bribed.

Confidentiality

3.22 I will not disclose confidential information or information which should reasonably be regarded as being of a confidential or private nature, without the express consent of a person or body authorised to give such consent, or unless required to do so by law. I note that if I cannot obtain such express consent, I should assume it is not given.

3.23 I accept that confidential information can include discussions, documents, and information which is not yet public or never intended to be public, and information deemed confidential by statute.

3.24 I will only use confidential information to undertake my duties as a board member. I will not use it in any way for personal advantage or to discredit my public body (even if my personal view is that the information should be publicly available).

3.25 I note that these confidentiality requirements do not apply to protected whistleblowing disclosures made to the prescribed persons and bodies as identified in statute.

Use of Public Body Resources

3.26 I will only use my public body's resources, including employee assistance, facilities, stationery and IT equipment, for carrying out duties on behalf of the public body, in accordance with its relevant policies.

3.27 I will not use, or in any way enable others to use, my public body's resources:

a) imprudently (without thinking about the implications or consequences);
b) unlawfully;
c) for any political activities or matters relating to these; or
d) improperly.

Dealing with my Public Body and Preferential Treatment

3.28 I will not use, or attempt to use, my position or influence as a board member to:

a) improperly confer on or secure for myself, or others, an advantage;
b) avoid a disadvantage for myself, or create a disadvantage for others or
c) improperly seek preferential treatment or access for myself or others.

3.29 I will avoid any action which could lead members of the public to believe that preferential treatment or access is being sought.

3.30 I will advise employees of any connection, as defined at Section 5, I may have to a matter, when seeking information or advice or responding to a request for information or advice from them.

Appointments to Outside Organisations

3.31 If I am appointed, or nominated by my public body, as a member of another body or organisation, I will abide by the rules of conduct and will act in the best interests of that body or organisation while acting as a member of it. I will also continue to observe the rules of this Code when carrying out the duties of that body or organisation.

3.32 I accept that if I am a director or trustee (or equivalent) of a company or a charity, I will be responsible for identifying, and taking advice on, any conflicts of interest that may arise between the company or charity and my public body.

Section 4: Registration Of Interests

4.1 The following paragraphs set out what I have to register when I am appointed and whenever my circumstances change. The register covers my current term of appointment.

4.2 I understand that regulations made by the Scottish Ministers describe the detail and timescale for registering interests; including a requirement that a board member must register their registrable interests within one month of becoming a board member, and register any changes to those interests within one month of those changes having occurred.

4.3 The interests which I am required to register are those set out in the following paragraphs. Other than as required by paragraph 4.23, I understand it is not necessary to register the interests of my spouse or cohabitee.

Category One: Remuneration

4.4 I will register any work for which I receive, or expect to receive, payment. I have a registrable interest where I receive remuneration by virtue of being:

a) employed;
b) self-employed;
c) the holder of an office;
d) a director of an undertaking;
e) a partner in a firm;
f) appointed or nominated by my public body to another body; or
g) engaged in a trade, profession or vocation or any other work.

4.5 I understand that in relation to 4.4 above, the amount of remuneration does not require to be registered. I understand that any remuneration received as a board member of this specific public body does not have to be registered.

4.6 I understand that if a position is not remunerated it does not need to be registered under this category. However, unremunerated directorships may need to be registered under Category Two, “Other Roles”.

4.7 I must register any allowances I receive in relation to membership of any organisation under Category One.

4.8 When registering employment as an employee, I must give the full name of the employer, the nature of its business, and the nature of the post I hold in the organisation.

4.9 When registering remuneration from the categories listed in paragraph 4.4 (b) to (g) above, I must provide the full name and give details of the nature of the business, organisation, undertaking, partnership or other body, as appropriate. I recognise that some other employments may be incompatible with my role as board member of my public body in terms of paragraph 6.7 of this Code.

4.10 Where I otherwise undertake a trade, profession or vocation, or any other work, the detail to be given is the nature of the work and how often it is undertaken.

4.11 When registering a directorship, it is necessary to provide the registered name and registered number of the undertaking in which the directorship is held and provide information about the nature of its business.

4.12 I understand that registration of a pension is not required as this falls outside the scope of the category.

Category Two: Other Roles

4.13 I will register any unremunerated directorships where the body in question is a subsidiary or parent company of an undertaking in which I hold a remunerated directorship.

4.14 I will register the registered name and registered number of the subsidiary or parent company or other undertaking and the nature of its business, and its relationship to the company or other undertaking in which I am a director and from which I receive remuneration.

Category Three: Contracts

4.15 I have a registerable interest where I (or a firm in which I am a partner, or an undertaking in which I am a director or in which I have shares of a value as described in paragraph 4.19 below) have made a contract with my public body:

a) under which goods or services are to be provided, or works are to be executed; and
b) which has not been fully discharged.

4.16 I will register a description of the contract, including its duration, but excluding the value.

Category Four: Election Expenses

4.17 If I have been elected to my public body, then I will register a description of, and statement of, any assistance towards election expenses relating to election to my public body.

Category Five: Houses, Land and Buildings

4.18 I have a registrable interest where I own or have any other right or interest in houses, land and buildings, which may be significant to, of relevance to, or bear upon, the work and operation of my public body.

4.19 I accept that, when deciding whether or not I need to register any interest I have in houses, land or buildings, the test to be applied is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as being so significant that it could potentially affect my responsibilities to my public body and to the public, or could influence my actions, speeches or decision-making.

Category Six: Interest in Shares and Securities

4.20 I have a registerable interest where:

a) I own or have an interest in more than 1% of the issued share capital of the company or other body; or
b) Where, at the relevant date, the market value of any shares and securities (in any one specific company or body) that I own or have an interest in is greater than £25,000.

Category Seven: Gifts and Hospitality

4.21 I understand the requirements of paragraphs 3.13 to 3.21 regarding gifts and hospitality. As I will not accept any gifts or hospitality, other than under the limited circumstances allowed, I understand there is no longer the need to register any.

Category Eight: Non–Financial Interests

4.22 I may also have other interests and I understand it is equally important that relevant interests such as membership or holding office in other public bodies, companies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described. In this context, I understand non-financial interests are those which members of the public with knowledge of the relevant facts might reasonably think could influence my actions, speeches, votes or decision-making in my public body (this includes its Committees and memberships of other organisations to which I have been appointed or nominated by my public body).

Category Nine: Close Family Members

4.23 I will register the interests of any close family member who has transactions with my public body or is likely to have transactions or do business with it.

Section 5: Declaration Of Interests

Stage 1: Connection

5.1 For each particular matter I am involved in as a board member, I will first consider whether I have a connection to that matter.

5.2 I understand that a connection is any link between the matter being considered and me, or a person or body I am associated with. This could be a family relationship or a social or professional contact.

5.3 A connection includes anything that I have registered as an interest.

5.4 A connection does not include being a member of a body to which I have been appointed or nominated by my public body as a representative of my public body, unless:

a) The matter being considered by my public body is quasi-judicial or regulatory; or
b) I have a personal conflict by reason of my actions, my connections or my legal obligations.

Stage 2: Interest

5.5 I understand my connection is an interest that requires to be declared where the objective test is met – that is where a member of the public with knowledge of the relevant facts would reasonably regard my connection to a particular matter as being so significant that it would be considered as being likely to influence the discussion or decision-making.

Stage 3: Participation

5.6 I will declare my interest as early as possible in meetings. I will not remain in the meeting nor participate in any way in those parts of meetings where I have declared an interest.

5.7 I will consider whether it is appropriate for transparency reasons to state publicly where I have a connection, which I do not consider amounts to an interest.

5.8 I note that I can apply to the Standards Commission and ask it to grant a dispensation to allow me to take part in the discussion and decision-making on a matter where I would otherwise have to declare an interest and withdraw (as a result of having a connection to the matter that would fall within the objective test). I note that such an application must be made in advance of any meetings where the dispensation is sought and that I cannot take part in any discussion or decision-making on the matter in question unless, and until, the application is granted.

5.9 I note that public confidence in a public body is damaged by the perception that decisions taken by that body are substantially influenced by factors other than the public interest. I will not accept a role or appointment if doing so means I will have to declare interests frequently at meetings in respect of my role as a board member. Similarly, if any appointment or nomination to another body would give rise to objective concern because of my existing personal involvement or affiliations, I will not accept the appointment or nomination.

Section 6: Lobbying And Access

6.1 I understand that a wide range of people will seek access to me as a board member and will try to lobby me, including individuals, organisations and companies. I must distinguish between:

a) any role I have in dealing with enquiries from the public;
b) any community engagement where I am working with individuals and organisations to encourage their participation and involvement, and;
c) lobbying, which is where I am approached by any individual or organisation who is seeking to influence me for financial gain or advantage, particularly those who are seeking to do business with my public body (for example contracts/procurement).

6.2 In deciding whether, and if so how, to respond to such lobbying, I will always have regard to the objective test, which is whether a member of the public, with knowledge of the relevant facts, would reasonably regard my conduct as being likely to influence my, or my public body's, decision-making role.

6.3 I will not, in relation to contact with any person or organisation that lobbies, do anything which contravenes this Code or any other relevant rule of my public body or any statutory provision.

6.4 I will not, in relation to contact with any person or organisation that lobbies, act in any way which could bring discredit upon my public body.

6.5 If I have concerns about the approach or methods used by any person or organisation in their contacts with me, I will seek the guidance of the Chair, Chief Executive or Standards Officer of my public body.

6.6 The public must be assured that no person or organisation will gain better access to, or treatment by, me as a result of employing a company or individual to lobby on a fee basis on their behalf. I will not, therefore, offer or accord any preferential access or treatment to those lobbying on a fee basis on behalf of clients compared with that which I accord any other person or organisation who lobbies or approaches me. I will ensure that those lobbying on a fee basis on behalf of clients are not given to understand that preferential access or treatment, compared to that accorded to any other person or organisation, might be forthcoming.

6.7 Before taking any action as a result of being lobbied, I will seek to satisfy myself about the identity of the person or organisation that is lobbying and the motive for lobbying. I understand I may choose to act in response to a person or organisation lobbying on a fee basis on behalf of clients but it is important that I understand the basis on which I am being lobbied in order to ensure that any action taken in connection with the lobbyist complies with the standards set out in this Code and the Lobbying (Scotland) Act 2016.

6.8 I will not accept any paid work:

a) which would involve me lobbying on behalf of any person or organisation or any clients of a person or organisation.

b) to provide services as a strategist, adviser or consultant, for example, advising on how to influence my public body and its members. This does not prohibit me from being remunerated for activity which may arise because of, or relate to, membership of my public body, such as journalism or broadcasting, or involvement in representative or presentational work, such as participation in delegations, conferences or other events.

Annex A: Breaches Of The Code

Introduction

1. The Ethical Standards in Public Life etc. (Scotland) Act 2000 ("the Act") provided for a framework to encourage and, where necessary, enforce high ethical standards in public life.

2. The Act provided for the introduction of new codes of conduct for local authority councillors and members of relevant public bodies, imposing on councils and relevant public bodies a duty to help their members comply with the relevant code.

3. The Act and the subsequent Scottish Parliamentary Commissions and Commissioners etc. Act 2010 established the Standards Commission for Scotland ("Standards Commission") and the post of Commissioner for Ethical Standards in Public Life in Scotland ("ESC").

4. The Standards Commission and ESC are separate and independent, each with distinct functions. Complaints of breaches of a public body's Code of Conduct are investigated by the ESC and adjudicated upon by the Standards Commission.

5. The first Model Code of Conduct came into force in 2002. The Code has since been reviewed and re-issued in 2014. The 2021 Code has been issued by the Scottish Ministers following consultation, and with the approval of the Scottish Parliament, as required by the Act.

Investigation of Complaints

6. The ESC is responsible for investigating complaints about members of devolved public bodies. It is not, however, mandatory to report a complaint about a potential breach of the Code to the ESC. It may be more appropriate in some circumstances for attempts to be made to resolve the matter informally at a local level.

7. On conclusion of the investigation, the ESC will send a report to the Standards Commission.

Hearings

8. On receipt of a report from the ESC, the Standards Commission can choose to:

    - Do nothing;
    - Direct the ESC to carry out further investigations; or
    - Hold a Hearing.

9. Hearings are held (usually in public) to determine whether the member concerned has breached their public body's Code of Conduct. The Hearing Panel comprises of three members of the Standards Commission. The ESC will present evidence and/or make submissions at the Hearing about the investigation and any conclusions as to whether the member has contravened the Code. The member is entitled to attend or be represented at the Hearing and can also present evidence and make

submissions. Both parties can call witnesses. Once it has heard all the evidence and submissions, the Hearing Panel will make a determination about whether or not it is satisfied, on the balance of probabilities, that there has been a contravention of the Code by the member. If the Hearing Panel decides that a member has breached their public body's Code, it is obliged to impose a sanction.

Sanctions

10. The sanctions that can be imposed following a finding of a breach of the Code are as follows:

    - **Censure**: A censure is a formal record of the Standards Commission's severe and public disapproval of the member concerned.
    - **Suspension**: This can be a full or partial suspension (for up to one year). A full suspension means that the member is suspended from attending all meetings of the public body. Partial suspension means that the member is suspended from attending some of the meetings of the public body. The Commission can direct that any remuneration or allowance the member receives as a result of their membership of the public body be reduced or not paid during a period of suspension.
    - **Disqualification**: Disqualification means that the member is removed from membership of the body and disqualified (for a period not exceeding five years), from membership of the body. Where a member is also a member of another devolved public body (as defined in the Act), the Commission may also remove or disqualify that person in respect of that membership. Full details of the sanctions are set out in section 19 of the Act.

Interim Suspensions

11. Section 21 of the Act provides the Standards Commission with the power to impose an interim suspension on a member on receipt of an interim report from the ESC about an ongoing investigation. In making a decision about whether or not to impose an interim suspension, a Panel comprising of three Members of the Standards Commission will review the interim report and any representations received from the member and will consider whether it is satisfied:

    - That the further conduct of the ESC's investigation is likely to be prejudiced if such an action is not taken (for example if there are concerns that the member may try to interfere with evidence or witnesses); or
    - That it is otherwise in the public interest to take such a measure. A policy outlining how the Standards Commission makes any decision under Section 21 and the procedures it will follow in doing so, should any such a report be received from the ESC can be found here.

12. The decision to impose an interim suspension is not, and should not be seen as, a finding on the merits of any complaint or the validity of any allegations against a member of a devolved public body, nor should it be viewed as a disciplinary measure.

Annex B: Definitions

“Bullying” is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted.

"Chair" includes Board Convener or any other individual discharging a similar function to that of a Chair or Convener under alternative decision-making structures.

“Code” is the code of conduct for members of your devolved public body, which is based on the Model Code of Conduct for members of devolved public bodies in Scotland.

"Cohabitee" includes any person who is living with you in a relationship similar to that of a partner, civil partner, or spouse.

“Confidential Information” includes:

- any information passed on to the public body by a Government department (even if it is not clearly marked as confidential) which does not allow the disclosure of that information to the public;
- information of which the law prohibits disclosure (under statute or by the order of a Court);
- any legal advice provided to the public body; or
- any other information which would reasonably be considered a breach of confidence should it be made public.

"Election expenses" means expenses incurred, whether before, during or after the election, on account of, or in respect of, the conduct or management of the election.

“Employee” includes individuals employed:

- directly by the public body;
- as contractors by the public body, or
- by a contractor to work on the public body’s premises.

“Gifts” a gift can include any item or service received free of charge, or which may be offered or promised at a discounted rate or on terms not available to the general public. Gifts include benefits such as relief from indebtedness, loan concessions, or provision of property, services or facilities at a cost below that generally charged to members of the public. It can also include gifts received directly or gifts received by any company in which the recipient holds a controlling interest in, or by a partnership of which the recipient is a partner.

“Harassment” is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated, frightened and / or uncomfortable. Harassment can be experienced directly or indirectly and can occur as an isolated incident or as a course of persistent behaviour.

“Hospitality” includes the offer or promise of food, drink, accommodation, entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.

“Relevant Date” Where a board member had an interest in shares at the date on which the member was appointed as a member, the relevant date is – (a) that date; and (b) the 5th April immediately following that date and in each succeeding year, where the interest is retained on that 5th April.

“Public body” means a devolved public body listed in Schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, as amended.

“Remuneration" includes any salary, wage, share of profits, fee, other monetary benefit or benefit in kind.

“Securities” a security is a certificate or other financial instrument that has monetary value and can be traded. Securities includes equity and debt securities, such as stocks bonds and debentures.

“Undertaking” means:
a) a body corporate or partnership; or
b) an unincorporated association carrying on a trade or business, with or without a view to a profit.



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Agenda Item 11.6

BOARD OF MANAGEMENT

Tuesday 29 September 2026

SCOTTISH CHARITY REGISTER PAPER M

BOARD OF MANAGEMENT

Tuesday 29 September 2026

Publication of Charity Trustee Information by OSCR

Paper for noting

Purpose

To advise the Board of forthcoming changes to the publication of charity trustee information by the Office of the Scottish Charity Regulator (OSCR).

Background

Since June 2025, Scottish charities have been required to provide trustee information through OSCR Online. This information includes trustee names, contact details, date of birth and date of appointment.

Changes from 2026

From early 2026, OSCR will publish the first and last names of charity trustees on the Scottish Charity Register.

Other personal information, including addresses, contact details and dates of birth, will remain confidential and will not be published.

A process exists for trustees to apply for an exemption from publication where specific criteria are met.

Impact on Dundee and Angus College

As a registered Scottish charity, Dundee and Angus College will be required to comply with these arrangements.

The principal impact is that the names of Board members acting as charity trustees will become publicly available through the Scottish Charity Register unless an exemption has been approved by OSCR.

The College should ensure that trustee information is maintained accurately and that current and prospective trustees are aware of the new publication requirements.

Recommendation

The Board is invited to note the forthcoming changes and the limited operational impact on the College, while recognising the need to maintain accurate trustee records and ensure compliance with OSCR requirements.

Agenda Item 12.0

BOARD OF MANAGEMENT

Tuesday 29 September 2026

MINUTES OF COMMITTEE MEETINGS — PAPER N

12.1 Learning, Teaching & Quality - 2 September 2026
12.2 People, Culture & Wellbeing - 3 September 2026
12.3 Finance & Infrastructure - 8 September 2026
12.4 Audit & Risk – 15 September 2026 (verbal update)

BOARD OF MANAGEMENT

Learning, Teaching and Quality Committee

Minute of the Learning, Teaching and Quality Committee meeting held on Wednesday 2 September 2026 at 5.00pm in Room K-TO-624 Kingsway Campus and via Microsoft Teams.

PRESENT:

Neil Lowden
Chaesel Melia
Simon Hewitt
Ged Bell
Laurie O'Donnell
Sally Middleton
Connor Pithie
Colin Smith

IN ATTENDANCE:

Julie Grace (Vice Principal Curriculum and Partnerships)
Lee Lappin & Steph Toms (Directors of Curriculum & Partnerships)
Rachel Wall (Board Secretary)
Jonathan Liddell (Learner and Community Engagement Officer)

1. WELCOME

The Chair welcomed members to the Learning, Teaching and Quality Committee.

The Chair thanked Adele Lawrence for her contribution to the work of the Committee during her tenure as a Student Member and wished her well for the future. He congratulated Connor Pithie on his re-election as Student President and welcomed his continued contribution to the work of the Committee.

The Chair also welcomed Chaesel Melia to their first meeting of the Committee following election as a Student Member and Rachel Wall to her first meeting in the role of Governance Professional.

2. APOLOGIES

Apologies received from Jane Roscoe, Derek Smith and Kirstin Marsh.

3. DECLARATIONS OF INTEREST & CONNECTION

There are no declarations of interest or connection.

4. MINUTE OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 13 May 2026 were approved.

4.1 Decision

The Committee approved the minute of the previous meeting as an accurate record.

5. MATTERS ARISING

The Committee noted the update on matters arising contained within Paper B. There were no additional matters arising requiring discussion.

6. CURRICULUM REPORT – DUNGEONS & DRAGONS META-SKILLS DEVELOPMENT

Jonathan Liddell delivered a presentation on the Dungeons & Dragons Meta-Skills Development Initiative (the "Initiative") and provided an overview of the Initiative's development, impact and future aspirations.

The Committee heard that the Initiative had engaged more than 150 students from across a wide range of curriculum areas and had evolved into a significant vehicle for the development of meta-skills, including communication, collaboration, leadership, negotiation, problem solving and critical thinking.

Members noted the positive impact of the Initiative on student confidence, engagement and sense of belonging. The Committee heard that students had developed increased confidence in classroom settings, interviews and wider employability activities and that a number of students had progressed into leadership and facilitation roles through the programme.

The success of the D&D Meta-Skills Summit was highlighted, with participation from schools, colleges, universities, employers and community organisations. Members noted the growing external interest in the Initiative and its contribution to the College's reputation for innovation and student-centred practice.

During discussion, Members recognised the value of the Initiative in engaging learners who may not traditionally participate in extracurricular activity and noted the positive contribution being made to student confidence, resilience, wellbeing and employability. Potential opportunities for future development and external partnership working were also discussed.

The Committee commended Jonathan Liddell and the student volunteers involved in the Initiative for their commitment and acknowledged the positive outcomes being achieved for learners.

The Chair thanked Jonathan for an engaging and insightful presentation and recognised the significant benefits being delivered to students through the Initiative.

The Committee noted the presentation.

Jonathan Liddell left the Meeting.

7. STUDENTS' ASSOCIATION REPORT

The Committee received an update from the Students' Association on activity undertaken during the summer period and preparations for the commencement of the 2026/27 academic year.

Members heard about changes to the student representation system, including the introduction of a revised single-tier Student Representative model. It was noted that elections would be held following the October break to provide students with additional time to settle into college life before undertaking representative responsibilities.

Updates were provided on induction planning, Freshers' activity, student engagement initiatives and improvements to digital communications and online resources. Members welcomed the work undertaken to ensure students were well informed and supported throughout their transition into college.

The Committee received an update on the redevelopment of the Gardyne Thrive Shop and wider hardship support initiatives. Members noted the expansion of food-larder provision and the range of practical support available to students experiencing financial difficulties. The involvement of Supported Education learners in aspects of the initiative was also highlighted.

Discussion took place regarding increasing demand for student support services and the arrangements in place to ensure students could access support quickly and effectively. Members welcomed the proactive and student-focused approach being adopted by the Students' Association.

The Committee also heard about partnership working with Abertay Students' Association and activities designed to strengthen student voice, community engagement and learner participation across the College.

Members recognised the significant contribution being made by the Students' Association to student wellbeing, engagement and success and acknowledged the breadth of activity being delivered on behalf of students.

The Chair thanked the Students' Association team for their continued hard work, commitment and advocacy and recognised the substantial benefits their work was delivering for students and the wider College community.

The report was noted.

8. QUALIFICATIONS SCOTLAND EXAMS ATTAINMENT

Steph Toms presented the Qualifications Scotland Exams Attainment Report (the “Report”).

The Committee noted that attainment outcomes were lower than previous years in a number of areas and considered the analysis undertaken to understand the factors contributing to these results. Members heard that no concerns had been identified regarding teaching quality, assessment practice or grading accuracy and noted that estimated grades remained broadly aligned with attained outcomes.

Members discussed the range of factors influencing performance, including learner withdrawals, examination non-attendance, increasing levels of learner support need and programme-specific challenges. The Committee was assured that these factors reflected complex learner circumstances rather than issues relating to curriculum delivery or assessment practice.

The Report highlighted a comprehensive action plan focused on improving attendance, retention, learner engagement, examination readiness and targeted learner support. Members scrutinised the proposed actions and received assurance that improvements had been incorporated into planning for the forthcoming academic session.

During discussion, Members sought clarification regarding the reporting period covered by the Report. It was confirmed that the attainment data related to examinations undertaken during academic session 2025/26. An error identified within the covering paper was acknowledged, and the Committee was assured that the reported attainment outcomes and analysis remained unaffected.

The Committee also discussed the College's National Qualifications portfolio and heard that alternative progression routes had been developed where provision had changed. Members noted the continued importance of Higher English and National 5 Mathematics in supporting progression to higher education.

The Committee welcomed the detailed analysis undertaken and received assurance that robust actions had been identified to support future improvement.

The report was noted.

9. SPRING 2026 LEARNER SATISFACTION SURVEY

Steve Taylor presented the findings of the Spring 2026 Learner Satisfaction Survey.

The Committee noted that learner satisfaction remained exceptionally strong and that results continued to demonstrate positive learner perceptions across a broad range of measures. Members heard that participation levels remained robust, providing confidence in the reliability of the findings.

Detailed discussion took place regarding performance trends and comparisons with previous survey periods. Members noted that satisfaction levels remained consistently high across most indicators, reflecting positive learner experiences in relation to teaching, support services, learning environments and the wider student experience.

Particular attention was drawn to strong outcomes within Engineering and Members discussed the contribution of relationship-based approaches to learner engagement and success. The Committee welcomed the positive impact these approaches were having on student experience and outcomes.

Members also considered how learner feedback was being used to inform enhancement activity across the College and noted the importance of ensuring learners could clearly see how their feedback had informed improvements and decision-making.

The Committee recognised the significant efforts of staff in maintaining high levels of learner satisfaction and delivering a positive and supportive learning experience for students.

The report was noted.

10. 2025/26 PERFORMANCE INDICATOR COMPARISON REPORT

The Committee considered the College's Performance Indicator Comparison Report and noted the College's strong national position across a number of key measures.

Members recognised particularly strong outcomes in relation to full-time FE and HE students. Positive outcomes for care-experienced learners and learners from priority groups were also noted.

Discussion took place regarding part-time provision and members heard that changes implemented in relation to senior phase activity were already demonstrating encouraging early indications for future performance.

The report was noted.

11. CURRICULUM & PARTNERSHIPS REPORT

Julie Grace introduced the Curriculum & Partnerships Report and highlighted the breadth of learning, teaching, partnership and community engagement activity taking place across the College.

Members welcomed the range of opportunities being delivered for students and communities and noted the development of self-service information resources designed to allow staff to focus their support on students requiring additional assistance. The Committee also recognised the significant contribution made by staff and partners in delivering these activities.

Ged Bell thanked staff for the work reflected within the report and noted the breadth of activity being undertaken across the College.

The report was noted.

12. STRATEGIC RISK REGISTER

Steve Taylor advised that no changes were proposed to the risks allocated to the Learning, Teaching and Quality Committee.

The Committee noted the Strategic Risk Register.

13. LT&Q METRICS

The Committee reviewed the latest Learning, Teaching and Quality metrics.

Members were advised that an error had been identified within the student satisfaction figures reported in the paper and that amended figures would be circulated. It was noted that the correct satisfaction rate remained exceptionally high at approximately 96.8%, placing the College amongst the highest-performing institutions nationally.

13.1 Action

Steve Taylor to amend the student satisfaction figures reported within the LT&Q Metrics paper.

The report was noted.

14. GOVERNANCE UPDATES

It was proposed that Governance Updates should remain a standing item on future Committee agendas. Members agreed to this proposal.

14.1 Decision

The Committee agreed that Governance Updates should remain a standing item on future Committee agendas.

15. DATE OF NEXT MEETING

Wednesday 11 November 2026, Room K-TO-624, Kingsway Campus

ACTION LOG

Ref	Action	Responsibility
13.1	Amend the student satisfaction figures reported within the LT&Q Metrics paper.	Steve Taylor

DECISION LOG

Ref	Decision
4.1	The Committee approved the minute of the previous meeting as an accurate record.
14.1	The Committee agreed that Governance Updates should remain a standing item on future Committee agendas.

BOARD OF MANAGEMENT

People, Culture and Wellbeing Committee

Thursday 3 September 2026 at 5.00pm **Room K-TO-624, Kingsway Campus** (MS Teams option available)

Minute of the People, Culture and Wellbeing Committee meeting held on Thursday 3 September 2026 at 5.00pm, in Room K-TO-624, Kingsway Campus.

PRESENT: Donald Mackenzie, Brian Lawrie, Ronnie Donegan, Robert Young, Brian Mooney, Julie Grace, Billie Grace

IN ATTENDANCE: Steven Taylor (Vice Principal Support Services and Operations)
Rachel Wall (Governance Professional)
Laurie O'Donnell (Board Chair)
Sandy Fowler

1. WELCOME

D MacKenzie welcomed everyone to the People, Culture and Wellbeing Committee meeting and welcomed Rachel Wall to her first meeting as Governance Professional.

2. APOLOGIES

Apologies received from Neil Lowden, Steve Oakley, Jenns Lawrence and Simon Hewitt.

3. DECLARATIONS OF CONNECTION & INTEREST

There were no declarations of connection & interest.

4. MINUTE OF THE PREVIOUS MEETING

The minutes of the meeting held on 21 May 2026 were approved as an accurate record.

5. MATTERS ARISING

The Committee considered matters arising from the previous meeting.

Members noted that matters arising had either been completed or were included elsewhere on the agenda for consideration.

6. HEALTH AND SAFETY ANNUAL REPORT

The Committee considered the Health and Safety Annual Report for 2025/26 (the “Report”).

Sandy Fowler presented the Report and advised that the College continued to maintain effective health and safety arrangements across all campuses and operational areas. Members noted the significant progress made in developing a positive health and safety culture through increased staff engagement, improved reporting processes and targeted awareness activity. It was recognised that the benefits of cultural change implemented over recent years were now becoming evident.

The Committee noted that 323 accidents, incidents and near misses were reported during 2025/26, comprising 137 accidents, 145 incidents and 41 near misses. Members heard that this represented a small increase in reporting activity compared to the previous year and were advised that this reflected improved reporting culture and accessibility of reporting systems rather than a decline in safety performance.

Members noted that there had been three RIDDOR-reportable incidents during the year, all involving students. Assurance was provided that there had been no employee RIDDOR-reportable incidents and that the student incidents involved relatively minor injuries requiring hospital attendance.

The Committee discussed accident and near-miss reporting trends and sought assurance that reporting practices remained consistent across all areas of the College. Members were advised that incidents continued to be routinely reviewed to identify opportunities for improvement and preventative action.

Members considered the outcomes of health and safety audits and compliance activity undertaken during the reporting period. Assurance was provided that no material areas of non-compliance had been identified and that recommendations arising from inspections and reviews had been addressed appropriately. The Committee noted that departmental safety checks continued to demonstrate very high compliance levels, recording approximately 98% Category A compliance.

The Chair sought clarification regarding sector benchmarking. Members were advised that a revised national benchmarking exercise involving approximately 80 health and safety indicators was expected to commence later in September and welcomed the opportunity to compare future performance against sector benchmarks.

The Committee discussed first aid provision and received assurance that arrangements remained effective, appropriately resourced and subject to ongoing review.

The Committee received an update regarding implementation planning for the Terrorism (Protection of Premises) Act 2025 (Martyn's Law).

Members were advised that the College had undertaken an initial gap analysis and had commenced planning activity through the Business Continuity Planning Group. Discussion took place regarding the distinction between Standard Duty and Enhanced Duty premises and the implications this may have for College operations.

The Committee considered likely resource implications and noted that preliminary estimates for public announcement and related infrastructure requirements across campuses could be approximately £60,000, although costs remained subject to further assessment and clarification of statutory requirements.

Members discussed the importance of implementing training and awareness activity in a

proportionate manner that informed staff and students without causing unnecessary concern. Assurance was provided that developments continued to be monitored and reflected within planning arrangements.

The Committee welcomed the progress being made and recorded its appreciation to Sandy Fowler and colleagues for their continued work throughout the year.

Sandy Fowler left the Meeting.

7. PEOPLE, CULTURE & WELLBEING REPORT

The Committee considered the People, Culture and Wellbeing Report.

Steven Taylor highlighted a range of activities undertaken during the reporting period in support of workforce development, employee wellbeing, staff engagement and organisational culture.

Members noted that the Voluntary Severance Scheme had concluded, with approved changes implemented by the end of June 2026. It was confirmed that only a small number of applications had not been approved and that future use of the scheme would remain subject to organisational requirements.

The Committee welcomed the success of the Staff Awards held in June 2026 and congratulated colleagues on the College being shortlisted for five CDN Awards. Members recognised the positive contribution that staff recognition activity makes to organisational culture, employee engagement and the profile of the College.

Particular recognition was given to Allan Smith and colleagues within the Learner and Community Engagement Team following receipt of a national Herald Saroj Lal Award in recognition of work supporting migrant workers, refugees and asylum seekers.

The Committee welcomed the College's participation in the Scottish Government's Fair Work evaluation programme and noted positively that the College had been identified as a case study of good practice. Members recognised the importance of continuing to embed Fair Work principles across the organisation.

Members reviewed wellbeing activity and noted the ongoing focus on supporting employee health, wellbeing and resilience. Assurance was received that a range of support mechanisms remained available to staff and continued to be promoted across the College.

Discussion took place regarding implementation of legislative changes arising from the Employment Rights Act. Members were advised that policy and procedural changes were being progressed in advance of implementation requirements.

The Committee also discussed development of new travel management, workforce development and CPD management systems. Members welcomed the move towards increasingly integrated digital systems and enhanced workforce reporting capabilities.

Workforce recruitment and retention challenges across the wider sector were considered. Members noted the measures being implemented to support recruitment, succession planning and retention and were satisfied that workforce planning arrangements remained effective and continued to support organisational resilience.

The Committee welcomed the report and thanked staff for their continued professionalism, flexibility and commitment.

8. NATIONAL BARGAINING UPDATE

The Committee received an update on National Bargaining developments.

Members noted the successful conclusion of a three-year national pay settlement for academic staff covering the period to September 2029 and welcomed the certainty this provided for workforce and financial planning.

The Committee heard that the agreement provided consolidated salary increases of 3.75%, 3.25% and 3.2% respectively across the three-year period and included a reopener clause linked to future inflation levels.

Members further noted adoption of a new national grievance procedure and discussed continuing work relating to national job evaluation arrangements. It was reported that KPMG had been appointed to undertake a lessons learned review of previous processes.

The Committee recognised the importance of maintaining constructive employee relations and welcomed continued engagement through national negotiating structures.

Members expressed appreciation for the contribution made by Richard Gordon during his service as local UNISON representative and requested that their thanks be conveyed.

9. STRATEGIC RISK REGISTER

The Committee reviewed those strategic risks falling within its remit.

Members considered the current risk profile in relation to workforce planning, recruitment and retention, employee wellbeing, industrial relations, legislative compliance and organisational resilience.

The Committee discussed whether current risk ratings appropriately reflected the operating environment and considered the effectiveness of existing mitigation measures. Members sought assurance that workforce-related risks continued to be actively monitored given ongoing sector challenges and financial pressures.

Officers advised that workforce planning remained a key area of focus and outlined measures being implemented to support recruitment, employee engagement, succession planning and organisational resilience.

Discussion focused on Risk 3.7 relating to Industrial Relations Problems. Members questioned whether the likelihood score remained appropriate in light of the recently agreed three-year national pay settlement and noted that this would be reviewed as part of future updates to the Strategic Risk Register.

Members also considered whether Risk 3.4 appropriately reflected issues relating to first aid provision, stress-related absence and mandatory training compliance. Assurance was provided that these matters continued to be reflected within existing controls and mitigation arrangements.

The Committee further noted that preparedness activity relating to Martyn's Law should continue to be reflected within future risk monitoring and reporting arrangements.

Members noted that no changes to the overall risk profile or risk ratings were proposed and were satisfied that existing mitigation measures remained effective. Following review, the Committee concluded that principal risks had been appropriately identified, assessed and managed and that current risk scores accurately reflected the College's risk environment.

10. HR METRICS

The Committee considered the HR Metrics Report.

Members welcomed the ongoing work being undertaken to redesign workforce dashboards and enhance workforce reporting.

The Committee noted that active staffing levels stood at 600.6 FTE, representing a headcount of 654 employees.

Members discussed equality monitoring information and received an update regarding work being undertaken to improve the quality and completeness of workforce equality data. The Committee noted the median gender pay gap of 4.72% and welcomed initiatives encouraging employees to update equality monitoring information to support more meaningful analysis.

The Committee examined absence information and noted working time lost of 4.33% across the rolling annual period. Members also noted increases in long-term and stress-related absence cases and sought assurance regarding support arrangements available to employees.

Officers advised that absence levels remained comparatively low and continued to be managed through established wellbeing, support and intervention arrangements. Members welcomed the continued focus on early intervention and employee support.

The Committee reviewed workforce turnover, recruitment activity and employee relations information. Members noted that 174 recruitment exercises had been undertaken during 2025/26 and that only five vacancies remained open at the time of reporting.

Discussion took place regarding Development Review completion rates, reported at 69%. Members sought clarification on expectations and timescales and were advised that completion levels reflected academic cycles and operational demands experienced throughout the year. It was noted that automation and revised systems were expected to support future improvement.

Mandatory training compliance was also considered. Members noted the continued monitoring and follow-up activity being undertaken to improve completion rates where required.

The Committee welcomed the progress being made in relation to workforce reporting and agreed that enhanced dashboards and trend analysis would provide improved management information and strengthen Committee scrutiny and oversight.

Having considered the report in full, the Committee was satisfied that appropriate workforce monitoring arrangements remained in place and received assurance that management continued to respond proactively to emerging workforce trends and challenges.

11. GOVERNANCE

The Committee considered governance arrangements relevant to its remit.

Members agreed that inclusion of Governance as a standing agenda item would strengthen assurance arrangements, support ongoing oversight of governance developments and provide a regular mechanism for considering matters relating to compliance, governance effectiveness and Board business.

11.1 The Committee agreed that Governance would become a standing agenda item on future Committee agendas.

12. MEETING MINUTES/UPDATES

The Committee noted the Health, Safety and Wellbeing Committee minute.

13. AOCB

The Chair thanked staff across the College for their continued hard work, professionalism and commitment throughout the reporting period.

Members echoed these sentiments and recognised the significant contribution made by staff in supporting students, delivering organisational objectives and maintaining the College's positive culture.

14. DATE OF NEXT MEETING

Thursday 19 November 2026 at 5.00pm in K-TO-624, Kingsway Campus

BOARD OF MANAGEMENT

Finance & Infrastructure Committee

Tuesday 8 September at 5.00pm **Room K-TO-624, Kingsway Campus**
(MS Teams option available)

Minute of the Finance & Infrastructure Committee meeting held on Tuesday 8 September 2026 at 17:00pm in Room K-TO-624 Kingsway Campus and via Microsoft Teams (the "Meeting)

PRESENT:

Brian Lawrie (Chair)
Stephen Oakley
Ged Bell
Laurie O'Donnell
Derek Smith
Colin Smith
Robert Young
Simon Hewitt
Kirstin Marsh
Donna Fordyce
Derek Stewart

IN ATTENDANCE: Steve Taylor (Vice Principal Support Services and Operations)
Julie Grace (Vice Principal Curriculum and Partnerships)
Andy Ross (Director of Infrastructure)
Nicky Anderson (Director of Finance)
Rachel Wall (Board Secretary)
Ian Simpson (Director of Infrastructure Project)

1. WELCOME

The Chair welcomed everyone to the Finance & Infrastructure Committee meeting.

2. APOLOGIES

Apologies were noted from Billy Grace, Donald Mackenzie and Jenna Lawrence.

3. DECLARATIONS OF CONNECTION & INTEREST

There were no declarations of interest or connection.

4. MINUTE OF THE PREVIOUS MEETING

The Minute of the meeting held on 26 May 2026 was approved as an accurate record.
The Committee noted progress against actions arising

5. MATTERS ARISING

The Committee considered the Matters Arising Report. Members noted the progress made against actions arising from previous meetings and were satisfied that appropriate progress had been made.

The Committee **NOTED** the report.

6. FINANCE

6.1. Forecast Outturn 2025/26

The Committee considered the Forecast Outturn for 2025/26.

Members welcomed the significant improvement in the projected year-end position compared with the approved budget and recognised the considerable work undertaken across the College to strengthen financial performance during the year.

Discussion focused on the factors contributing to the improved position, including expenditure controls, workforce planning measures and ongoing financial management activity. Members acknowledged that the improved outturn reflected sustained effort across the College and commended management and staff for their contribution.

Whilst welcoming the improved position, Members recognised the continued challenges facing the sector and noted the importance of maintaining financial discipline in future years. The Committee acknowledged that the improved forecast outturn provided a stronger foundation from which to address future financial sustainability challenges.

The Committee **NOTED** the report.

6.2. Financial Forecast Return

The Committee considered the Financial Forecast Return.

The Committee considered the medium-term financial outlook and discussed the assumptions underpinning the forecast, including future funding levels, expenditure pressures and planned investment requirements.

Discussion focused on:

- long-term financial sustainability;
- sector-wide financial pressures;
- financial resilience over the planning period;
- importance of documenting assumptions for budget planning;
- affordability of future investment requirements; and
- the relationship between financial planning and future infrastructure ambitions.

Members noted that whilst the College remained in a comparatively strong position, the Financial Forecast Return highlighted continuing pressures across the planning period and reinforced the need for prudent financial management and informed decision-making.

The Committee discussed the wider financial challenges facing the college sector and acknowledged the benefits of actions taken by the College in recent years to improve its financial position.

The Committee **NOTED** the report and **RECOMMENDED** retrospective approval of the Financial Forecast Return to the Board.

6.3. Financial Regulations Review

The Committee considered the proposed amendments to the Financial Regulations.

Members welcomed the review and noted that the proposed amendments reflected evolving operational requirements whilst maintaining appropriate governance, accountability and financial control arrangements.

Particular discussion focused on:

- delegated authority arrangements;
- salary advance provisions;
- purchasing card controls;
- corporate credit card arrangements; and
- insurance arrangements.

Members discussed the rationale for the proposed changes and sought assurance that appropriate financial controls would continue to operate whilst supporting effective and efficient decision-making.

The Committee also considered the College's insurance arrangements and discussed the wider position across the college sector, including ongoing discussions regarding Crown Indemnity arrangements.

Members were satisfied that the proposed revisions strengthened the College's governance framework, clarified financial responsibilities and reflected good practice.

The Committee **APPROVED** the revised Financial Regulations and **RECOMMENDED** their adoption by the Board.

7. INFRASTRUCTURE

7.1. Future Infrastructure Vision

The Committee reviewed the Infrastructure Vision Programme.

The Committee noted that the Outline Business Case for the Green Skills Innovation Hub had been submitted to the Scottish Funding Council and discussed the strategic significance of the project in supporting future curriculum delivery, regional skills priorities and the College's long-term estate ambitions.

Members acknowledged ongoing stakeholder engagement and recognised that future progress would be dependent upon funding decisions and approval processes.

Members noted the interdependency between future estate planning, infrastructure investment and the long-term management of the Kingsway estate.

The Committee **NOTED** the update.

7.2. Estates Update

The Committee considered the Estates Update.

Members welcomed progress with the summer maintenance programme and recognised the significant work undertaken by the Estates Team in delivering projects whilst minimising disruption to College activities.

The Committee discussed in detail the ongoing management of Reinforced Autoclaved Aerated Concrete (RAAC) within the Kingsway Campus estate.

Members sought assurance regarding:

- the condition of affected buildings;
- inspection and monitoring arrangements;

- future structural surveys; and
- contingency planning arrangements.

Officers advised that regular inspections continued to be undertaken and that the current position remained stable. Members noted that a further structural survey was scheduled for October 2026 and that future decisions would continue to be informed by independent engineering advice.

Members noted the significance of the planned October 2026 survey and agreed that its findings could have an important bearing on future estate planning assumptions and contingency arrangements.

Concerns were raised regarding the potential timing mismatch between the operational lifespan of the existing estate and the delivery of replacement facilities.

Members noted that uncertainty remains regarding the lifespan of affected buildings and discussed the potential misalignment between future engineering advice and the timescales associated with estate replacement projects. The Committee recognised that robust contingency planning remains essential should accelerated action be required.

The Committee emphasised the importance of maintaining and regularly reviewing contingency arrangements.

Members discussed the potential operational and financial implications arising from any future change in the condition of affected buildings and acknowledged that uncertainty regarding the future lifespan of the Kingsway estate continues to represent one of the College's most significant strategic risks.

The Committee agreed that the matter should remain subject to close scrutiny by both the Committee and the Board and requested continued updates on mitigation measures, contingency planning and future survey outcomes.

The Committee **NOTED** the report.

7.3. Digital Services

The Committee considered the first Digital Services Report.

Members welcomed the introduction of the report and received assurance regarding cyber resilience, digital investment planning, organisational digital capability and readiness for future transformation.

The Committee welcomed the achievement of Cyber Essentials Plus accreditation and received assurance regarding ongoing cyber security arrangements and future development plans.

The Committee **NOTED** the report.

8. PROCUREMENT

The Committee considered the Procurement Report.

Members noted procurement activity undertaken since the previous meeting, including the Inter Site Connectivity replacement contract award.

The Committee further noted that there were no non-competitive actions requiring approval.

The Committee **NOTED** the report.

9. STRATEGIC RISK REGISTER

The Committee considered the Strategic Risk Register.

Particular discussion focused on:

- Risk 2.2: Institutional Sustainability; and
- Risk 4.5: Ageing Infrastructure and RAAC.

Members noted the interaction between long-term financial sustainability, infrastructure investment requirements and estate-related risks.

The Committee discussed the uncertainty surrounding the future use of the Kingsway Campus and noted that contingency planning remains an important mitigation whilst infrastructure replacement options continue to be developed.

Members were satisfied that the risks remained appropriately assessed and that mitigating actions were being actively managed.

The Committee **APPROVED** the Strategic Risk Register.

10. PROFESSIONAL SERVICES

The Committee considered the Professional Services Update.

Members discussed emerging enrolment trends and noted particular concern regarding Higher National recruitment, recognising the potential implications for future income and curriculum planning.

Discussion included the impact of university clearing activity and continuing competition across the tertiary education sector. Officers advised that enrolment trends continued to be closely monitored.

Members welcomed positive apprenticeship activity and recognised the College's continuing contribution to regional skills development and employer engagement.

The Committee considered the proposed debt write-offs. Officers confirmed that all reasonable recovery actions had been exhausted and outlined strengthened arrangements for debt monitoring and recovery.

The Committee **APPROVED** the recommended write-offs.

11. DATE OF NEXT MEETING

Tuesday 24 November 2026 (Joint meeting with Audit and Risk Committee at 5.15pm in Room K-TO-226, Kingsway Campus

Agenda Item 13.0

BOARD OF MANAGEMENT

Tuesday 29 September 2026

CORRESPONDENCE

PAPER O

BOARD OF MANAGEMENT

Tuesday 29th September 2026

Correspondence – SFC Communications

Paper for information

Reports and Publications Listing	
Guidance for Foundation Apprenticeships 2026–27 SFC/GD/20/2026 15 September 2026	Guidance for colleges on the delivery of Foundation Apprenticeships in Academic Year 2026–27
Student Satisfaction and Engagement Survey 2025-26 SFC/ST/07/2026 1 September 2026	To inform stakeholders of the publication of the college 2025-26 Student Satisfaction and Engagement Survey (SSES) outcomes.
College FES Return and Audit Guidance for AY 2025–26 SFC/GD/19/2025 5 August 2026	Guidance to colleges on the completion of their student activity data (FES Return) for Academic Year 2025-26 and audit guidance for that year
College Student Support Funding Audit Guidance AY 2025–26 SFC/GD/18/2026 5 August 2026	This guidance document describes SFC's audit arrangements for college student support funds for Academic Year 2025-26.
Education Maintenance Allowance Return 2025–26 SFC/GD/15/2026 20 July 2026	Guidance notes for the completion of the Education Maintenance Allowance 2025–26.
College Staffing Return Guidance 2025–26 SFC/GD/14/2026 9 July 2026	Guidance notes for the completion of the aggregate Staffing Return: Academic Year 2025–26
College Fee Waiver Policy AY 2026–27 SFC/GD/13/2026 8 July 2026	Description of the categories of students for which a college may use an SFC fee waiver in Academic Year 2026-27.

Credit Guidance for Colleges AY 2026–27 SFC/GD/12/2026 7 July 2026	Guidance for colleges on eligibility for credit funding in Academic Year 2026–27.
Tackling Child Poverty: Guidance for New FWDF in Colleges 2026–27 SFC/GD/11/2026 6 July 2026	This funding supports delivery of key commitments in the Scottish Government's third Tackling Child Poverty Delivery Plan, Bringing Hope, Building Futures (2026–2031). This document provides guidance for colleges on the Child Poverty focused New Flexible Workforce Development Fund (New FWDF) for colleges in Academic Year (AY) 2026–27 and 2027–28, including funding allocations, eligibility criteria, and reporting requirements.
College Very High Priority Capital Maintenance Funding FY 2026–27 SFC/AN/16/2026 29 June 2026	Purpose of this publication is to outline the principles and process for colleges to access the ring-fenced capital maintenance funding of up to £6.5m for Financial Year (FY) 2026–27.
Colleges Tackling Child Poverty Funding: RISE and TAF for AY 2026–27 SFC/GD/10/2026 25 June 2026	This funding supports delivery of key commitments in the Scottish Government's third Tackling Child Poverty Delivery Plan, "Bringing Hope, Building Futures" (2026–2031). This document provides guidance for colleges on the Raising Income through Skills and Education (RISE) and Training Access Fund (TAF) for Academic Year 2026–27, including strategic purpose, funding allocations, target priority groups, reporting requirements and possible interventions.
Accounts Direction for Scotland's Colleges 2025–26 SFC/GD/08/2026 17 June 2026	To provide SFC's 2025–26 accounts direction for Scotland's colleges.

Further details on the above Communications can be accessed via:

Publications - Scottish Funding Council (sfc.ac.uk)

Author: Penny Muir (Board Administrator)
Executive Sponsor: Rachel Wall, Board Secretary